

NOVEMBER 1, 2005 AGENDA REPORTS

Agenda Item No. 4a.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0959

TO: Mayor and City Council Members

SUBJECT: Petition to construct acceleration/deceleration and left turn lanes to serve part of Mediterranean Plaza Addition (east of Rock, north of 29th St. North) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner, representing 100% of the improvement district.

Analysis: The project will improve access to a new apartment complex located east of Rock, north of 29th St. North.

Financial Considerations: The Petition totals \$70,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 4b.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0960

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Water Distribution System to serve R & P Addition (south of Harry west of West Street) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner, representing 100% of the improvement district.

Analysis: The project will provide water service to an existing single family home.

Financial Considerations: The Petition totals \$12,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 7a.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0961

TO: Mayor and City Council

SUBJECT: Sanitary Sewer Master Plan Update - Agreement

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Agreement for the 2005 Sanitary Sewer Master Plan Update

Background: In 1992, the City Council approved a Sanitary Sewer Master Plan and associated projects. The 1992 Sewer Master Plan was the first such undertaking since 1971 and assessed

the City's sanitary sewer service area needs through the year 2010. After adopting the plan, Staff recommended that the City update the plan on a routine basis to insure that recommendations and the projects being implemented were still relevant to the City's current needs.

Analysis: Requests for Proposals were sent and on April 27, 2005, the Staff Screening and Selection Committee selected Professional Engineering Consultants, P.A., and Burns & McDonnell Engineers for the update. Working as a team, they developed the scope of work and an Agreement to present to the City for the updated plan. City Council approved the plan on March 1, 2005.

Financial Considerations: The Agreement is for \$329,274 and funding is available in CIP S-508, Sewer Master Plan Update. CIP S-508 included funding of \$250,000 for the 2005 update; however, it was determined that an additional \$100,000 was required to complete the update. On August 9, 2005, City Council approved the transfer of \$100,000 from CIP S-5, Sewer Mains for Future Development, to CIP S-508 for the Sewer Master Plan.

Legal Considerations: The Law Department has reviewed the Agreement and approved it as to form.

Recommendations/Actions: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 7b.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0962

TO: Mayor and City Council

SUBJECT: Equus Beds Aquifer Storage and Recovery Project (Phase I) –
Supplemental Agreement

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendations: Approve Supplemental Agreement No. 8 with Burns & McDonnell Engineering Co. for the Equus Beds Aquifer Storage and Recovery Project.

Background: On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project for \$798,532.

Nov. 5, 2002, City Council approved Supplemental Agreement No. 1, for additional archeological services necessary to evaluate the impact of the discovery of a pre-historic artifact.

March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

April 1, 2003, City Council approved Supplemental Agreement No.3 to allow drilling of additional test holes at the proposed sites for recharge basins.

May 25, 2004, City Council approved Supplemental Agreement No. 4 to drill two additional test wells at alternative sites for diversions wells that appeared to have better water quality.

August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

March 8, 2005, City Council approved Supplemental Agreement No. 5 that included services to conduct a shallow aquifer test and other services associated with obtaining appropriations from the state.

July 12, 2005 the City Council Approved Supplemental Agreement No. 6 that included services to conduct a full scale aquifer test at one of the proposed diversion well sites, and Supplemental Agreement No. 7 that included engineering services to upgrade the electrical system in the Equus Beds Wellfield.

Analysis: To comply with the requirements established by the GMD and the state for each diversion well, the well must be constructed and tested. The first test well that was completed as part of Supplemental Agreement No. 6 did not divert as much water from the river as had been predicted, signifying the importance of doing a well test. Supplemental Agreement No. 8 includes the cost of drilling the well (thereby reducing the cost of the construction phase by that amount) and the engineering services to observe the construction, conduct the appropriate pump tests and analyze the results. It includes the construction of a full-scale well at one of the established sites that has a water appropriation from the state and that has the capacity to be used as a diversion well for the permanent diversion and recharge facilities.

Doing test pumping will help to assure that the City will be constructing facilities that meet its needs and comply with regulatory requirements, and assures that the City makes the proper investment for water diversion facilities in this phase of the ASR project.

Financial Considerations: The cost for the construction of the well, the well testing and the subsequent engineering analysis will not exceed \$235,000. Funding is included in the CIP in W-549, Water Supply Plan Phase III, which has available funding of over \$7.6 million in 2005.

Legal Considerations: The Law Department will approve Supplemental Agreement No. 8 as to form.

Recommendation/Actions: It is recommended that the City Council approve Supplemental Agreement No. 8 with Burns & McDonnell and authorize the necessary signatures.

Agenda Item No. 7c.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0963

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Bike Path along Gypsum Creek from I-135 to Turnpike (District III)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The 2004 Capital Improvement Program includes funding for constructing a bike path along Gypsum Creek from I-135 to Turnpike. The Staff Screening & Selection Committee selected Ruggles & Bohm, P.A. (R&B) for the design on April 1 & 2, 2004. On May 4, 2004, the City entered into an Agreement with Ruggles & Bohm, P.A. for designing the bike path for a fee of \$61,300.

Analysis: The original scope of services provided for a portion of the Gypsum Creek Bike Path to parallel the I-135 Canal Route on the west side in Kansas Department of Transportation (KDOT) right-of-way from Carson to Wassall. Because of complications with putting the path in KDOT right-of-way, a better route for this section has been found that will require additional design work. The proposed Supplemental Agreement provides for the additional design services.

Financial Considerations: Payment to R&B will be on a lump sum basis of \$21,800, and will be paid by General Obligation Bonds.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 4, 2004

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

RUGGLES & BOHM, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 4, 2004) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements for BIKE PATH I-135/GYPSUM CREEK CONNECTION (STAFFORD-WASSALL-GEORGE WASHINGTON BLVD.) (Project No. 472 84009, OCA No. 706885).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Revise Route, west of I-135
(see Attachment "A")

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

472 84194 \$21,800.00

C. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2005.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

RUGGLES & BOHM, P.A.

(Name & Title)

ATTEST:

Attachment “A”

BIKE PATH I-135/GYPSUM CREEK CONNECTION

Part A – Additional Work to substantially change route, west of I-135

The new proposed alignment will require the following additional services:

- Survey 4000 lineal feet of new alignment
- Create new base drawing and merge w/ existing
- Draw 10 plan/profile sheets (discard 9 completed)
- Additional utility and right of way research
- Meeting w/ DAB and neighborhood groups
- Printing and re-submittal to KDOT

Part B – Additional work already performed for Joyland route

The K-15 Neighborhood Association presented strong opposition to the project after seeing the route surveyed through the Pawnee Ranch area. The result of subsequent discussions with Joyland owners was a route avoiding the neighborhood streets, and involved the following extra work.

- Survey 1100 lineal feet of new alignment
- Create new base drawing
- Utility research and location
- Owner/neighborhood meetings
- Tract drawings and legal descriptions

Part C – Additional work already performed beyond Scope of Services

The original project description did not include rest stops or pause points on this bike path. However, at the direction of Greg Sharpe, we have added design for two areas, one including a drinking fountain and sunshade structure.

Agenda Item No. 8.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0964

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water distribution system, sanitary sewer and street paving improvements in Fawn Grove at Sunset Lakes Addition on October 18, 2005.

Analysis: The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Fawn Grove at Sunset Lakes Addition. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to R&B will be on a lump sum basis of \$32,200, and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

RUGGLES & BOHM, P.A.

for

FAWN GROVE AT SUNSET LAKES ADDITION

THIS AGREEMENT, made this _____ day of _____, 2005, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and RUGGLES & BOHM, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

WATER DISTRIBUTION SYSTEM NO. 448 90115 serving Lots 15 and 16, Block 1; Lots 30 through 65, Block 2; Lots 1 through 6, Block 3, Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich) (Project No. 448 90115).

LATERAL 383, FOUR MILE CREEK SEWER serving Lots 15 and 16, Block 1; Lots 39 through 73, Block 2; Lots 1 through 6, Block 3, Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich) (Project No. 468 84082).

FAWN GROVE from the west line of Lot 65, Block 2, to the east line of Lot 30, Block 2; SMITH-MOOR/SMITHMOOR CIRCLE from the south line of Fawn Grove at Sunset Lakes Addition to and including the cul-de-sac (Lots 30 through 47, Block 2); CHATEAU CIRCLE from the north line of Fawn Grove to and including the cul-de-sac (Lots 48 through 65, Block 2) (south of Kellogg, west of Greenwich) (Project No. 472 84285).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in Fawn Grove at Sunset Lakes Addition and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).

- B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.
- C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.
- D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.
- E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.
- F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.
- G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.
- H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.
- I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.
- J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$10,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory
Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its

agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

III. THE CITY AGREES:

A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.

B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.

C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.

D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.

E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.

F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

IV. PAYMENT PROVISIONS

A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 448 90115	\$ 5,000.00
Project No. 468 84082	\$ 7,100.00
Project No. 472 84285	\$20,100.00
TOTAL	\$32,200.00

B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:

1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.

2. Additional design services not covered by the scope of this agreement.
3. Construction staking, material testing, inspection and administration related to the PROJECT.
4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work, or because the services of the ENGINEER are unsatisfactory; PROVIDED, however, that in any case the ENGINEER shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this agreement, but in no case shall payment be more than the ENGINEER'S actual costs plus a fee for profit based upon a fixed percentage of the ENGINEER'S actual costs.
- B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.
- C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.
- E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.
- F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.
- G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.
- H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, Mayor

SEAL:

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

RUGGLES & BOHM, P.A.

(Name & Title)

ATTEST:

EXHIBIT "A"

SCOPE OF SERVICES

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared in ink on standard 22" x 36" Mylar sheets.

In connection with the services to be provided, the ENGINEER shall:

A. PHASE I – PLAN DEVELOPMENT

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. Field Surveys. Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.
2. Soils and Foundation Investigations. The CITY's Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER's contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.
3. Review Preliminary Design Concepts. Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.
4. Prepare engineering plans, plan quantities and supplemental specifications as required. Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT's plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 78, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be provided to the CITY via floppy diskettes (3 1/2"), CD-ROM, or other media acceptable to the City Engineer. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.
5. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the monumentation of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.
6. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if approved by the City Engineer, identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.

7. Deliver the original tracings of the Final approved plans to the CITY for their use in printing plans for prospective bidders.
8. All applicable coordinate control points and related project staking information shall be furnished on a 3-1/2" diskette in a format agreed upon by the CITY. When applicable, this coordinate information will be used by the CITY for construction staking purposes.
9. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.
 - a. Plan Development for the water improvements by 11/18/05.
(Project No. 448 90115).
 - b. Plan Development for the sewer improvements by 11/18/05.
(Project No. 468 84082).
 - c. Plan Development for the paving improvements by 11/18/05.
(Project No. 472 84285).

Agenda Item No. 9a.

CITY OF WICHITA
City Council Meeting
November 1, 2005

Agenda Report No. 05-0966

TO: Mayor and City Council Members

SUBJECT: Acquisition of a portion of 960 East Pawnee for Pawnee Widening Improvement Project from Washington to Hydraulic (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels. To date, 20 tracts have been acquired. One of the remaining acquisitions is a partial acquisition of 960 East Pawnee. The project requires a 365.5 square foot triangle from the corner of the property and a temporary easement along the east and south sides of the parcel.

Analysis: The acquisitions were appraised for \$7,960. The owner has agreed to accept \$12,000. In addition, a pole sign owned by the tenant will need to be relocated at an estimated cost of \$2,000.

Financial Considerations: The funding source for the project is General Obligation bonds and Federal monies. A budget of \$15,000 is requested. This includes \$12,000 for the acquisition, \$2,000 for relocation, and \$1,000 for title work and closing costs.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that 1) The City Council approve the budget and 2) Authorize all necessary signatures.

Agenda Item No. 9b.

CITY OF WICHITA
City Council Meeting
November 1, 2005

Agenda Report No. 05-0967

TO: Mayor and City Council Members

SUBJECT: Acquisition of Permanent Easements for Integrated Local Water Supply Plan

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Analysis: Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. Eleven of the twenty-two have been secured. Three additional landowners (Schmidt, Thelman and Wendling) of the identified sites have agreed to provide these pipeline easements and temporary construction easements to the City of Wichita for a respective \$7,735 or the equivalent to \$1,500 per acre.

Financial Considerations: A budget of \$8,335 is requested; this includes \$7,735 for acquisition and \$600 for title work, title insurance and closing costs. Funding for this project is included in

the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the permanent easement; and 3) Authorize all necessary signatures.

Agenda Item No. 9c.

CITY OF WICHITA
City Council Meeting
November 1, 2005

Agenda Report No. 05-0968

TO: Mayor and City Council Members

SUBJECT: Acquisition of Land in the 1400 Block of North Broadway along the Abandoned Union Pacific Rail Corridor for the Midtown Greenway (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Avenue and Wichita Street to 15th Street and Broadway. With this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The City has reviewed the former corridor and decided that it could be developed as a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th Street.

Analysis: Service access for the restaurant at 1515 North Broadway is from 14th Street over the east portion of the abandoned rail corridor. The City has previously acquired the reversionary rights to the portion of the corridor impacted by the drive. The restaurant also owns the parking lot at the northeast corner of 14th and Market. The corridor project requires a portion of the abandoned corridor adjacent to this parking lot. The restaurant has agreed to deed the land required for the corridor project in exchange for the City's rights to the land utilized for the drive.

Financial Considerations: A budget of \$25 is requested for the recording of the deeds associated with the transaction. The funding source is previously approved CDBG funds.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council 1) Approve the budget, and 2) Authorize necessary signatures.

Agenda Item No. 12.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0969

TO: Mayor and City Council

SUBJECT: 16-inch Water Main in Ridge Road from MacArthur to 36th Street South
(District IV)

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the project expenditure for a 16-inch water main in Ridge Road from MacArthur to 36th Street South.

Background: The 1999 Water Master Plan identified water looping needs in the southeast portion of the Wichita water distribution system. Additionally, the Metropolitan Area Planning Department has identified growth in this same southeast area.

Analysis: The City Council approved a Water Master Plan Update on April 8, 2003. Burns and McDonnell were selected as consultant engineers for the update. In the process of updating the water distribution water model and analyzing the water distribution system, which included the latest growth predictions by MAPD, Burns and McDonnell recommended that the 16-inch Water Main in Ridge Road from MacArthur to 36th Street South be constructed.

Financial Considerations: The Capital Improvement Program project CIP W-842, Ridge, MacArthur to 36th St S (16"), is included in the 2005 approved CIP. The budget for the project is \$260,000 and will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Legal Considerations: The Law Department has approved the Resolution as to form.

Recommendations/Actions: It is recommended that the City Council approve the expenditures and adopt the Resolution.

Agenda Item No. 13.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0970

TO: Mayor and City Council

SUBJECT: 20-inch Water Main in Woodlawn from 2nd Street to Kellogg (District II)

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the project expenditure for a 20-inch water main in Woodlawn from 2nd Street to Kellogg.

Background: The 1999 Water Master Plan identified potential water pressure problems in portions of the southeast Wichita water distribution system and in growth areas in southeast Sedgwick County, as identified by the Metropolitan Area Planning Department.

Analysis: The City Council approved a Water Master Plan Update on April 8, 2003. In the process of updating the water distribution water model and analyzing the water distribution system, including the latest growth predictions by MAPD, the Water Master Plan recommended a 20-inch water main to be located in Woodlawn from 2nd Street to Kellogg.

Financial Considerations: The Capital Improvement Program project CIP W-834, Woodlawn & 2nd – Kellogg & Windsor (24”), is included in the 2006 approved CIP. The budget for the project is \$680,000. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Legal Considerations: The Law Department has approved the Resolution as to form.

Recommendations/Actions: It is recommended that the City Council approve the expenditure and adopt the Resolution.

Agenda Item No. 14.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0971

TO: Mayor and City Council Members

SUBJECT: Park Facilities Renovation (All Districts)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Approve the bonding resolution and authorize initiation of the project.

Background: The Park and Recreation Department has a number of existing facilities and park amenities that are aging and in need of renovation. This project has been initiated each year since 2001 and has resulted in significant improvements in all parks, recreation centers and park shelters. Recreation center investments were completed at Boston and Linwood in 2002, Evergreen and Lynette Woodard in 2003, and improvements spread at all recreation centers in 2004 to include replacement tables, chairs, storage racks, and recreation and game equipment. Orchard and Edgemoor Recreation Centers and the downtown skatepark were the focus of 2005 Park Facility Renovation capital investments. Other park improvements include replacement picnic tables, benches, grills, bleachers, athletic field development, goals, score boards, and numerous other improvements and replacement projects to ensure safe and attractive parks and facilities.

Analysis: The 2006 Park Capital Improvement Program (CIP) includes funding for the renovation of park facilities. Renovation will protect the City's investment in these facilities, making them functional and aesthetically attractive to citizen users. Plans call for improvements in Edgemoor Park with the conversion of an old playground site into a skatepark, South Lakes Sports Complex – maintenance facility construction, Goldenrod Park – facility improvements, replacement fencing at various athletics venues, and replacement and installation of grills, picnic tables, benches, and bleachers at numerous sites.

Financial Considerations: The 2006 Park CIP includes \$400,000 for the renovation of park facilities. The funding source is general obligation bonds.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendation/Action: It is recommended that the City Council 1) approve the bonding resolution, 2) authorize initiation of the project, and 3) authorize all necessary signatures.

Agenda Item 15.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0972

TO: Mayor and City Council Members

SUBJECT: Nuisance Abatement Assessments (All Districts)

INITIATED BY: Department of Environmental Services

AGENDA: Consent

Recommendation: Approve the assessments and ordinance.

Background: The Department of Environmental Health supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Health bills the cost to the property owner.

Analysis: State law and city ordinance allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Health is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$91,519.87; weed mowing charges total \$58,022.28

Legal Considerations: These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments and place the ordinance on first reading.

Property List – Special Assessment Department of Environmental Services

Lot Clean Up:	Amount	District No
2924 E. Cheema	\$ 349.88	1
Vacant Lot between 2658 & 2668 S. Minnesota	548.09	3
1927 E. Looman	714.52	1
1645 N. Mathewson	988.17	1
1625 N. Grove	1,027.38	1
Vacant Lot North of 2021 N. Grove	733.30	1
Vacant Lot between 1921 & 1907 S. Hiram	680.25	4

4953 Morris	959.64	3	
1531 N. Minnesota	682.85	1	
1930 N. Minneapolis	680.45	1	
2223 N. Chautauqua	492.50	1	
520 W. Clark	464.28	3	
1612 N. Kansas	2,260.16	1	
1626 N. Oliver	1,255.00	1	
1337 N. Fairmount	522.06	1	
2327 E. Random	558.87	1	
1114 S. Gouverneur	710.00	2	
4437 E. Bayley	733.17	3	
Vacant Lot North of 4316 E. Wilma	1,298.89	3	
2226-2228 S. Hydraulic	557.07	3	
1317 N. Ash	984.25		
2545 E. Sennett	526.60	1	
Vacant Lot @ Northeast corner of 18th & Lorraine	779.45	1	
1414 W. Haskell D-06107-016b	608.83	4	
2327 W. Rita	616.33	4	
2021 S. Water	1,314.23	1	
Vacant Lot North of 1914 N. Lorraine	528.11	1	
1443 N. Volutsia	610.85	1	
1952 S. Emporia	751.52	3	
1106 W. 48th S.	572.00	4	
Vacant Lot East of 1412 S. Bluffview	707.78	3	
Vacant Lot between 1446 & 1504 S. Hydraulic	1,809.68	1	
Vacant Lot North of 1202 N. Chautauqua	985.92	1	
Vacant Lot North of 1553 N. Poplar	514.98	1	
Vacant Lot South of 1437 N. Erie	583.28	1	
Vacant Lot South of 1327 N. Ohio	775.58	1	
Vacant Lot North of 539 N. Madison	1,116.02	1	
2316 W. Douglas	1,589.52	4	
1601 N. Harding	796.08	1	
122 S. Nevada	1,133.06	4	
3032 S. Glenn	527.20	4	
1649 S. Glenn	738.81	4	
703 S. Sycamore	1,038.48	4	
2202 E. 1ST	284.45	1	
1902 S. St Clair	1,142.32	4	
Vacant Lot South of 902 S. St Francis	803.92	1	
Vacant Lot East of 1214 S. Terrace	552.95	3	
Vacant Lot North of 251 N. Grove	463.00	1	
319 W. Campus	750.67	3	
1712 S. Fern	911.55	4	
2922 S. Martinson	880.20	4	
4626 S. Laclede	638.60	4	
617 N. Clara	910.91	6	

Vacant Lot North of 1024 N. Grove	2,157.73	1
932 N. Volutsia	1,023.53	1
2518 N. Grove	519.97	1
Vacant Lot North of 1152 N. Estelle	691.97	1
1639 N. Market	1,089.98	6
525 N. Mathewson	901.37	1
1641 N. Pennsylvania	539.83	1
1122 N. Grove	1,208.02	1
104 S. Edgemoor	351.66	2
Vacant Lot West of 3034 E. Maplewood	858.06	1
1511 W. 29TH S	769.38	6
2033 S. Wichita	1,020.94	3
2278 S. Pinecrest	705.60	3
1035 S. Yale	735.16	
Vacant Lot South of 1258 N. Green	739.90	1
3241 E. 12TH N	564.90	1
3239 E. 1ST	1,166.92	1
1704 E. 23RD N	343.53	1
1157 N. Poplar	652.49	1
916 N. Cleveland	527.95	1
3185 S. Davidson	739.39	3
1904 S. Ellis	505.95	1
2516 W. 3RD	505.95	6
3733 Edgemont Place	967.04	1
4239 E. Menlo	1,314.19	3
2320 N. Volutsia	2,097.34	1
1832 S. Greenwood	1,580.40	1
1515 N. Fountain	1,033.02	1
2444 N. Minnesota	1,053.79	1
Vacant Lot North of 1332 N. Poplar	518.09	1
7721 E. Morris	522.39	2
321-323 S. Walnut	520.58	6
1318 S. Sedgwick	890.33	4
336 N. Minnesota	740.28	1
721 N. Madison	997.48	1
1356 N. Kansas	311.00	1
#1 E. Plum	629.78	2
3357 S. Handley	613.15	4
7315 E. Indianapolis	551.37	2
Vacant Lot North of 2027 N. Estelle	539.56	1
1616 S. Richmond	717.56	4
Vacant Lot between 758 & 803 E. 57th S	1,868.12	3
833 S. Dodge	697.09	4
2323 S. Washington	947.96	3
1932 S. Sedgwick	1,201.43	4
2422 W. Rita	692.92	4

3523 S. Glenn	741.72	4	
1149 N. Terrace	526.60	1	
135 S. Sedgwick	4868.90	4	
215 N. Millwood	960.30	4	
Vacant Lot South of 1642 N. Minneapolis	1,933.64	1	

TOTAL \$91,519.87

Weed Mowing:

Description Of Physical Location	Amount	District
O/Bldg @ 8200 W. Kellogg	\$ 175.00	5
V/L SW cor Maple & Herschel	118.00	5
O/H @ 122 S. Nevada	111.64	4
V/H @ 5301 W. 1st	111.64	4
V/L btwn 3516 & 3544 N. Fairview	111.64	6
V/H @ 1520 N. Fairview	111.64	6
V/H @ 1432 N. Lorraine	111.64	1
V/H N of 1443 N. Lorraine	111.64	1
V/H @ 1416 N. Lorraine	111.64	1
V/L btwn 1131 & 1137 N. Poplar	111.64	1
V/L btwn 1231 & 1237 N. Mathewson	111.64	1
V/H @ 3505 E. Countryside Plz	111.64	3
V/H @ 436 N. Dodge	111.64	4
V/Bldg @ 1200 S. Broadway	111.64	1
O/H @ 4633 S. Laclede	111.64	4
O/H @ 1121 Berkeley	111.64	3
V/H @ 2659 S. Fees	111.64	3
V/L SW cor Waterman & Zelta	118.00	2
V/H @ 12102 E. Laguna	111.64	2
V/H @ 8431 E. Hildreth	111.64	2
V/H @ 772 N. St Paul	111.64	6
O/H @ 4802 N. Jeanette	111.64	6
O/H @ 1944 N. Jackson	111.64	6
V/L E of 2202 E. 9th	111.64	1
V/L 2 E of 2202 E. 9th	111.64	1
V/L 3 E of 2202 E. 9th	111.64	1
O/H @ 1054 N. Poplar	111.64	1
V/L N of 1142 N. Poplar	111.64	1
V/L S of 1228 N. Poplar	111.64	1
V/H @ 1055 N. Green	111.64	1
V/H @ 1258 N. Green	111.64	1
V/L S of 1153 N. Estelle	111.64	1
V/L N of 1248 N. Volutsia	111.64	1
V/L N of 1217 N. Erie	111.64	1
V/H @ 2102 E. 13th	111.64	1

V/H @ 1512 N. Estelle	111.64	1
V/L btwn 1601 & 1611 N. Estelle	111.64	1
V/L 2 N of 1611 N. Estelle	111.64	1
V/H @ 1511 N. Chautauqua	111.64	1
V/H @ 1701 N. Lorraine	111.64	1
V/L N of 1914 N. Lorraine	111.64	1
V/H @ 2411 E. 20th N	111.64	1
V/H @ 1451 N. Broadview	111.64	1
V/H @ 1344 S. Terrace	111.64	1
O/H @ 1334 S. Bluffview	111.64	1
V/H @ 1117 S. Main	111.64	1
V/H @ 2135 S. Gold	111.64	3
V/L btwn 1312 & 1322 S. Glenn	111.64	4
V/H @ 1923 S. Greenwood	111.64	3
V/H @ 1904 S. Ellis	111.64	3
O/H @ 3010 S. Bennett	111.64	4
O/H @ 411 W. Benway	111.64	4
V/H @ 1702 E. Fernwood	111.64	3
V/L SE cor Lincoln & Webb	213.00	2
Rr row along Zoo Blvd-Central To West St	500.00	6
O/H @ 2320 N. Volutsia	111.64	1
V/H @ 1128 N. Terrace	111.64	1
V/L S of 706 N. Piatt	111.64	1
V/H @ 945 N. Indiana	111.64	1
V/L SW cor 10th & Ohio	111.64	1
V/L SE cor Elm & Cleveland	111.64	1
V/H @ 158 N. Poplar	111.64	1
V/L S of 332 N. Kansas	111.64	1
V/H @ 433 N. Grove	111.64	1
O/H @ 536 S. Green	111.64	1
O/H @ 5739 E. Central	111.64	2
V/L E of 4450 E. Boston	111.64	3
O/H @ 729 S. Chautauqua	111.64	3
O/H @ 1007 S. St Francis	111.64	1
V/H N of 2327 S. Washington	111.64	3
V/L N of 1912 S. Madison	111.64	3
V/H @ 3410 E. Osie	111.64	3
V/H @ 2453 S. Holyoke Ct	111.64	3
V/H @ 11826 W. Jewell Ct	111.64	4
V/L SW cor Maple & Summitlawn	118.00	4
O/H @ 742 N. Eisenhower	111.64	6
V/H & V/L @ 3704 University	111.64	4
O/Bldg @ 1025 W. 29th N	111.64	6
V/L W of NE cor Pembroke Cir & Edgemoor	111.64	1
V/L 2 W of NE cor Pembroke Cir & Edgemoor	111.64	1
V/L 3 W of NE cor Pembroke Cir & Edgemoor	111.64	1

V/L NE cor Pembroke Cir & Edgemoor 111.64 1
V/L 3 N & W of 5919 E. Pembroke 111.64 1
V/L 2 N of 5919 E. Pembroke 111.64 1
V/L N of 5919 E. Pembroke 111.64 1
O/H @ 2540 N. Fairview 111.64 6
O/H @ 2639 N. Jackson 111.64 6
O/H @ 2561 N. Payne 111.64 6
O/H @ 1500 N. Park Place 111.64 6
V/L NE cor 15th & Kansas 111.64 1
V/L btwn 1652 & 1642 N. Hydraulic 111.64 1
V/H @ 1658 N. Hydraulic 111.64 1
V/L SW cor 17th & Minnesota 111.64 1
V/H btwn 1701 & 1711 N. Spruce 111.64 1
V/H @ 1548 N. Ash 111.64 1
V/L S of 1718 N. Ash 111.64 1
V/H @ 1456 Piatt 111.64 1
V/L btwn 1600 & 1614 N. Lorraine 111.64 1
V/H @ 1954 N. Ash 111.64 1
V/L's btwn 1902 & 1924 N. Hydraulic 118.00 1
V/L S of 2058 N. Kansas 111.64 1
V/H @ 2048 N. Minneapolis 111.64 1
V/L E of 2219 E. Shadybrook 111.64 1
V/H @ 2843 E. Stadium 111.64 1
V/H @ 5433 E. Murdock 111.64 1
O/H @ 938 N. Old Manor 111.64 1
V/L btwn 539 & 551 N. Madison 111.64 1
V/H @ 826 N. Minnesota 111.64 1
V/L S of 1021 N. Estelle 111.64 1
V/H @ 1156 N. Poplar 111.64 1
V/L SW cor 12th & Minnesota 111.64 1
V/L behind (W of) 1349 N. Minnesota 111.64 1
V/H @ 1116 N. Mathewson 111.64 1
V/H @ 1306 N. Wabash 111.64 1
V/H @ 427 N. Piatt 111.64 1
V/H @ 2033 S. Wichita 111.64 3
O/H @ 1803 S. Washington 111.64 3
V/H @ 3217 W. 27th S 111.64 4
O/H @ 2024 S. Flynn Ln 111.64 2
V/H @ 555 N. Bebe 111.64 4
V/L SW cor 61st N. & Sullivan 111.64 6
V/H @ 1331 W. 61st N 111.64 6
V/H @ 4802 E. 27th N 111.64 1
O/H @ 2394 N. Hood 111.64 6
O/Duplex @ 1910 N. Arkansas 111.64 6
V/L SE cor 14th & Market 111.64 6
V/H @ 2026 N. Volutsia 111.64 1

V/L N of 2027 N. Estelle	111.64	1
V/L N of 932 N. Glendale	111.64	1
V/H @ 803 N. Harding	111.64	1
V/H @ 1307 N. Kansas	111.64	1
V/L N of 1312 N. Kansas	111.64	1
V/H @ 1325 N. Kansas	111.64	1
V/H @ 921 N. Grove	111.64	1
V/H @ 1413 E. 9th	111.64	1
V/H @ 525 N. Mathewson	111.64	1
V/H @ 914 N. Ohio	111.64	1
V/L SE cor 11th & Market	111.64	6
O/H @ 404 N. Volutsia	111.64	1
O/H @ 409 N. Erie	111.64	1
O/H @ 229 S. Belmont	111.64	2
Rr row along Mccoy, St Clair To Athenian	120.00	4
V/L btwn 737 & 755 W. Hendryx	111.64	4
O/H @ 1928 S. Everett	111.64	4
Rr row along Orient Blvd-Hiram To Meridian	160.00	4
V/L Ne cor Pawnee & St Clair	111.64	4
V/L SE cor Anita & St Paul	111.64	4
V/H @ 1821 S. Water	111.64	3
V/H @ 1910 S. Main	111.64	3
V/H @ 2015 E. 53rd S	111.64	3
V/L across from (S of) & E of 8620 E. 32nd N	170.00	2
V/H @ 1455 N. Pine Grove	111.64	5
V/L S of 354 S. All Hallows	111.64	4
V/H @ 1442 N. Green	111.64	1
V/L N of 1425 N. Grove	111.64	1
V/L S of 1446 N. Estelle	111.64	1
V/H @ 2514 E. Stadium	111.64	1
V/H @ 2007 E. 11th	111.64	1
V/L behind (S of) 3003 E. 12th	111.64	1
V/H @ 1320 N. Piatt	111.64	1
V/H @ 1208 N. Piatt	111.64	1
V/L btwn 1217 & 1235 N. Ash	111.64	1
V/L 2 N of 1102 N. Madison	111.64	1
V/H @ 1341 N. Lewellen	111.64	6
V/Bldg @ 201 W. Lincoln	111.64	1
V/H @ 1019 S. Wichita	111.64	1
V/L btwn 1026 & 1036 S. Wichita	111.64	1
V/L S of 1854 Palisade	111.64	3
V/H @ 1940 S. Water	111.64	3
V/H @ 2135 S. Gold	111.64	3
V/H @ 2422 W. Rita	111.64	4
O/H @ 2011 S. Parkwood	111.64	3
O/H E of 2425 E. Glen Oaks	111.64	3

V/H @ 4629 S. Elizabeth 111.64 4
V/H @ 11522 E. Osie 111.64 2
V/L W of 6916 Montezuma 111.64 5
V/Duplex @ 2801 W. Elm 111.64 6
V/L SE cor 2nd & Baehr 111.64 4
V/H @ 1134 S. Gordon 111.64 4
O/H @ 1038 W. 53rd N 111.64 6
V/L btwn 3302 & 3320 N. Market 111.64 6
V/L across from 1213-1407 W. 27th N 118.00 6
V/L N of 2307 N. Piatt 111.64 1
V/L S of 2221 N. Kansas 111.64 1
V/H @ 2444 N. Minnesota 111.64 1
V/H @ 2446 N. Minnesota 111.64 1
V/H @ 1807 E. 24th N 111.64 1
V/L S of 2632 N. Madison 111.64 1
V/L 2nd N of 2744 N. Madison 111.64 1
V/L S of 2650 N. Estelle 111.64 1
O/H @ 2716 N. Volutsia 111.64 1
V/H @ 2001 N. Piatt 111.64 1
O/H @ 1533 N. Ash 111.64 1
V/L 2nd S of 1527 N. Madison 111.64 1
V/H @ 2124 N. Parkwood 111.64 1
V/Duplex @ 2812 E. Mossman 111.64 1
V/L btwn 2812 & 2822 E. Mossman 111.64 1
V/L N of 1239 N. Estelle 111.64 1
O/Duplex @ 1052 N. Madison 111.64 1
O/Duplex @ 1048 N. Madison 111.64 1
O/Duplex @ 1042 N. Madison 111.64 1
O/Duplex @ 1022 N. Madison 111.64 1
V/L NE cor 11th & Estelle 111.64 1
V/H @ 1238 N. Green 111.64 1
V/H @ 1600 W. 13th 111.64 6
O/H @ 128 S. Minneapolis 111.64 2
V/H @ 130 S. Minneapolis 111.64 2
V/L E of 3239 E. 1st 111.64 2
V/H N of 749 S. Poplar 111.64 1
V/H @ 806 S. Green 111.64 1
V/H @ 553 S. Lightner 111.64 2
V/H @ 1024 S. Edgemoor 111.64 3
O/H @ 717 S. Bonn 111.64 4
V/L btwn 1904 & 1918 W. Walker 111.64 4
V/H @ 3357 S. Handley 111.64 4
V/H N of 2141 S. Spruce 111.64 3
O/H @ 2033 S. Oliver 111.64 3
V/L S of 3041 S. Yale 111.64 3
V/H @ 1221 E. Alturas 111.64 3

O/H @ 7302 E. Lincoln	111.64 2	
V/L W of 9025 Meadow Park Ct	125.00 5	
O/H @ 455 N. Putter Ln	111.64 5	
O/H @ 929 N. Baehr	111.64 6	
O/H @ 446 N. Elder	111.64 4	
O/H @ 129 N. Sheridan	111.64 6	
O/H N of 250 N. Richmond	111.64 6	
O/H @ 2600 N. Belmont	111.64 1	
V/H @ 1927 E. Looman	111.64 1	
O/H @ 2493 N. Coolidge	111.64 6	
O/H @ 1600 W. 13th	111.64 6	
V/L S of 1437 N. Madison	111.64 1	
V/H @ 1324 N. Holyoke	111.64 1	
V/H @ 640 N. Old Manor	111.64 1	
O/H @ 1615 N. Oliver	111.64 1	
O/H @ 1208 N. Madison	111.64 1	
O/H @ 1322 N. Piatt	111.64 1	
V/H @ 1307 N. Erie	111.64 1	
V/H W of 2511 E. 9th	111.64 1	
V/H @ 2216 E. Murdock	111.64 1	
V/H @ 3738 E. Central	111.64 1	
O/H @ 331 N. Kansas	111.64 1	
O/H @ 5827 E. Lincoln	111.64 3	
O/H @ 4722 E. Gilbert	111.64 3	
O/H @ 721 S. Chautauqua	111.64 2	
V/H @ 622 S. Pattie	111.64 1	
V/Bldg @ 1142 S. Pattie	111.64 1	
V/H @ 1407 S. St Francis	111.64 1	
O/H @ 1037 S. Broadway	111.64 1	
V/H @ 901 S. Sedgwick	111.64 4	
V/H @ 1052 S. Meridian	111.64 4	
O/H @ 1828 S. Santa Fe	111.64 3	
Rr row (V/L) across from 1900 Blk S. Gordon	120.00 4	
O/H @ 2230 S. Washington	111.64 3	
O/H @ 2339 S. Ellis	111.64 3	
O/H @ 507 W. Carlyle	111.64 4	
V/H @ 2437 S. Mosley	111.64 3	
V/L NE cor 46th S. & Emporia Cir	476.00 3	
O/H @ 118 N. Sheridan	111.64 6	
V/H @ 231 S. Gordon	111.64 4	
V/H @ 3101 N. Mascot	111.64 6	
V/H @ 2219 E. Shadybrook	111.64 1	
V/L E of 2916 E. Shadybrook	111.64 1	
V/H @ 2807 E. Stadium	111.64 1	
V/H @ 2612 E. 13th	111.64 1	
V/L S of 1411 N. Lorraine	111.64 1	

O/H @ 1411 N. Lorraine	111.64	1
V/H @ 1321 N. Holyoke	111.64	1
O/H @ 911 N. Terrace	111.64	1
V/L W of 2528 E. Mossman	111.64	1
V/H @ 1102 N. Poplar	111.64	1
V/L S of 1146 N. Green	111.64	1
V/L S of 1021 N. Estelle	111.64	1
V/H @ 1025 N. Estelle	111.64	1
V/L S of 1311 N. Estelle	111.64	1
V/H @ 1258 N. Green	111.64	1
O/H @ 1223 N. Poplar	111.64	1
V/H @ 1255 N. Poplar	111.64	1
V/H @ 212 N. Madison	111.64	1
O/H @ 758 S. Pinecrest	111.64	3
V/L N of 1212 S. St Francis	111.64	1
V/L N of 1217 S. St Francis	111.64	1
O/H @ 1952 S. Everett	111.64	4
V/H @ 2337 S. Glenn	111.64	4
O/H @ 2224 S. Emporia	111.64	3
O/H @ 1642 S. Glendale	111.64	3
O/H @ 1214 E. 31st S	111.64	3
V/H @ 1102 E. Gidley	111.64	3
V/H @ 1301 E. Alturas	111.64	3
O/H @ 1622 E. El Monte	111.64	3
O/H @ 1901 E. 61st S	111.64	3
V/H @ 2355 S. Cypress	111.64	2
O/H @ 3231 W. 10th	111.64	6
V/L N of 1225 N. Doris	111.64	6
O/H @ 2816 N. Wellington Place	111.64	6
V/L S of 2809 N. Wellington Place	111.64	6
V/H @ 2311 E. 16th	111.64	1
V/L N of 1325 N. Kansas	111.64	1
V/L N of 1305 N. Indiana	111.64	1
V/L N of 1326 N. Indiana	111.64	1
V/L N of 1103 N. Ohio	111.64	1
V/H @ 1205 N. Waco	111.64	6
V/H @ SW cor Kansas & 1st	111.64	1
V/Duplex @ 305 N. Madison	111.64	1
V/H @ 401 N. Volutsia	111.64	1
V/H @ 1314 S. Pattie	111.64	1
O/H @ 1515 S. Topeka	111.64	1
Rr row along Southeast Blvd.--Harry To Bayley	280.00	1
V/Duplex @ 2403 W. Walker	111.64	4
O/H @ 1712 S. Washington	111.64	3
O/H @ 2137 S. Emporia	111.64	3
O/H @ 829 W. Southerland	111.64	4

O/H @ 4633 S. Oak 111.64 4
 O/H @ 1027 W. Maywood 111.64 4
 O/H @ 1603 N. Pine Grove (Easement Along 119th) 111.64 5
 V/H @ 5511 W. Murdock (W Of 753 N. Flora) 111.64 6
 O/H @ 2611 N. Lorraine 111.64 1
 V/L SW cor 16th & Minnesota 111.64 1
 V/H @ 1433 N. Estelle 111.64 1
 V/H @ 1502 N. Pershing 111.64 1
 V/L 2 S of 1454 New York 111.64 1
 V/H @ 1309 N. Wabash 111.64 1
 V/H @ 1138 N. Cleveland 111.64 1
 V/L SE cor Murdock & Minneapolis 111.64 1
 V/H N cf 639 N. Estelle 111.64 1
 V/H @ 846 N. Dellrose (Backyard) 111.64 1
 V/H @ 613 E. 54th S.(Backyard-Fence Down) 111.64 3
 O/H @ 12717 W. Hendryx Ct 111.64 4
 O/H @ 11922 W. Bella Vista Cr 111.64 5
 O/H @ 9058 W. Harvest Ct 111.64 5
 V/L behind 2801 W. Central 111.64 6
 V/H @ 231 S. Gordon 111.64 4
 O/Duplex @ 601 N. Meridian 111.64 6
 V/Bldg SE cor 33rd & Arkansas 111.64 6
 V/Bldg @ 633 W. 33rd N 111.64 6
 V/Bldg 2 N of 3524 N. Arkansas 111.64 6
 V/L N of 2355 N. Poplar (Na 2005-346) 111.64 1
 V/L S of 1638 N. Kansas (Na 2005-363) 111.64 1
 V/H @ 1513 N. Grove 111.64 1
 V/L N of 1712 N. Erie (Na 2005-357) 111.64 1
 V/H @ 1416 N. Lorraine 111.64 1
 V/L behind (West) of 1349 N. Minnesota 111.64 1
 V/L 2 E of 2202 E. 9th 111.64 1
 V/L E of 2202 E. 9th 111.64 1
 V/H @ 1036 N. Poplar (Na 2005 345) 111.64 1
 V/Duplex @ 1036 N. Madison 111.64 1
 V/H @ 3223 E. 12th (Na 2005-333) 111.64 1
 O/H @ 1129 N. Pershing 111.64 1
 V/H @ 1153 N. Dellrose 111.64 1
 V/H @ 1129 N. Dellrose 111.64 1
 O/H @ 1117 N. Dellrose 111.64 1
 V/H @ 620 N. Oliver 111.64 1
 O/H @ 617 N. Oliver 111.64 1
 V/L S of 237 N. Spruce (Na 2005-330) 111.64 1
 V/H @ 631 S. Bleckley 111.64 3
 V/H @ 4350 E. Wilma 111.64 3
 V/H @ 1117 S. Main 111.64 1
 V/L NE cor Palisade & Skinner (Na 2005-264) 111.64 1

V/H @ 1803 S. Washington (Na 2005-376) 111.64 3
 O/H @ 1744 S. Madison 111.64 3
 V/H @ 1722 W. Diane (Na 2005-371) 111.64 4
 V/L btwn 7100 & 7132 S. Lorraine (Na 2005-338) 111.64 3
 V/L S of 4633 Spyglass 111.64 6
 V/H @ 405 S. Knight 111.64 6
 V/L N of 1217 N. Ash 111.64 1
 V/L N of 1146 N. Market 111.64 6
 V/L SW cor Erie & Kellogg 118.00 1
 V/L SW cor Vine & Orient Blvd 111.64 4
 O/H @ 2720 S. Southeast Dr 111.64 3
 V/L E of 34/32 E. Chisholm Creek-W of 6901 Oakmount 111.64 1
 V/L btwn 2342 & 2350 N. Sandplum 111.64 5
 V/L E of 7920 W. Kellogg 143.00 5
 V/L's 1-2-3 S of 405 S. Holland Ln 431.00 5
 V/L behind 7920 W. Kellogg 143.00 5
 V/Bldg @ 2119 N. Broadway 111.64 6
 V/Bldg @ 2127 N. Broadway 111.64 6
 O/H @ 1838 N. Park Place 111.64 6
 V/H @ 1612 E. 16th N 111.64 1
 V/L SW cor Shadybrook & Spruce 111.64 1
 V/H @ 1511 N. Spruce 111.64 1
 V/H @ 1448 N. Minnesota 111.64 1
 V/H @ 808 N. Oliver 111.64 1
 V/Fourplex @ 1222 N. Piatt 111.64 1
 V/H @ 2007 E. 11th 111.64 1
 V/L S of 1036 N. Ash 111.64 1
 V/H @ 1156 N. Poplar 111.64 1
 V/L S of 1032 N. Ohio 111.64 1
 V/L SW cor 11th & Ohio 111.64 1
 V/L SE cor Cleveland & Elm 111.64 1
 3242 N. Brookfield 111.64 1
 V/L N of 4712 Spyglass 111.64 1
 V/L N of 4632 Spyglass 111.64 1
 V/L 2 N of 4632 Spyglass 111.64 1
 O/H @ 9505 W. Ryan Ct 111.64 5
 V/H @ 11811 W. Nantucket 111.64 5
 V/H @ 1569 Melrose Ln 111.64 5
 O/H @ 1105 N. Sheridan 111.64 6
 V/H @ 1112 N. Sheridan 111.64 6
 V/L btwn 4419 & 4409 Salem 111.64 1
 V/H @ 6814 E. Farmview 111.64 1
 V/H @ 2561 N. Payne 111.64 6
 V/L E of 2722 Park Place & W of 130 E. Burnett 111.64 6
 V/H @ 1001 W. 13th 111.64 6
 V/H @ 1701 N. Lorraine 111.64 1

V/H @ 2602 E. Stadium	111.64	1
V/H @ 2202 E. 20th	111.64	1
V/H @ 1818 N. Ash	111.64	1
V/H @ 1954 N. Ash	111.64	1
O/H @ 1922 N. Minnesota	111.64	1
O/H @ 1243 N. Oliver	111.64	1
V/L S of 550 N. Grove	111.64	1
V/L N of 1142 N. Poplar	111.64	1
V/L btwn 1202 & 1216 N. Green	111.64	1
V/L S of 1227 N. Green	111.64	1
V/L 2 N of 1526 E. 11th	111.64	1
V/L S of 315 S. Greenwood	111.64	1
O/H @ 215 N. Estelle	111.64	1
O/H @ 221 N. Estelle	111.64	1
O/H @ 225 N. Estelle	111.64	1
O/H @ 229 N. Estelle	111.64	1
O/H @ 231 N. Estelle	111.64	1
O/H @ 233 N. Estelle	111.64	1
O/H @ 235 N. Estelle	111.64	1
V/H @ 158 N. Poplar	111.64	1
V/H @ 1541 S. St Francis	111.64	3
V/H @ 1803 S. Hydraulic	111.64	1
V/H @ 1811 S. Hydraulic	111.64	1
V/L N of 1616 S. Santa Fe	111.64	3
V/L 2 N of 1616 S. Santa Fe	111.64	6
V/L 3 S of 1616 S. Santa Fe	111.64	6
O/H @ 1912 S. Santa Fe	111.64	3
V/H @ 2024 S. St Francis	111.64	3
O/H @ 830 S. Emporia	111.64	1
V/H @ 812 S. Topeka	111.64	1
V/H @ 824 S. Topeka	111.64	1
V/H @ 836 S. Topeka	111.64	1
Rr row along Orient Blvd--Meridian To Martinson	310.00	4
V/L btwn 1813 & 1821 S. Exchange	111.64	4
V/H @ 4309 S. Hydraulic	111.64	3
V/H @ 1702 E. Fernwood	111.64	3
V/H @ 7160 S. Green	118.00	3
O/H @ 1455 N. Pine Grove	111.64	5
V/H @ 555 N. Bebe	111.64	4
V/H @ 428 N. St Paul	111.64	4
V/Bldg @ 2201 N. Amidon	111.64	6
V/L SE cor 21st & Arkansas	118.00	6
V/L N of 2021 N. Grove	111.64	1
V/L btwn 2044 & 2058 N. Kansas	111.64	1
V/L NE cor 19th & Hydraulic	111.64	1
V/L S of 1924 N. Hydraulic	111.64	1

V/L N of 1902 N. Hydraulic 111.64 1
V/L N of 1302 N. Wabash 111.64 1
V/L S of 1345 N. Indiana 111.64 1
V/H @ 1223 N. Ohio 111.64 1
V/L 2 S of 1247 Wabash 111.64 1
V/H @ 1114 N. Wabash 111.64 1
V/L NE cor 10th & Wabash 111.64 1
V/H @ 914 N. Ohio 11.64 1
V/L 2 N of 935 N. Ohio 111.64 1
V/L NW cor 8th & Washington 111.64 1
V/H @ 418 N. Meridian 111.64 6
V/L btwn 1026 & 1036 S. Wichita 111.64 1
V/H @ 1712 S. Fern 111.64 4
V/L W of 727 W. Macarthur 224.00 4
V/H @ 2414 S. Mosley 111.64 3
V/L 2 N of N Side of 32nd N. & Governour 111.64 6
V/L 3 N of N Side of 32nd N. & Governour 118.00 6
V/L 4 N of N Side of 32nd N. & Governour 111.64 6
V/L 5 N of N Side of 32nd N. & Governour 111.64 6
V/L 6 N of N Side of 32nd N. & Governour 111.64 6
V/L E of 4th, 5th, 6th Lots N of N Side of 32nd N. & Governour 111.64 6
V/L S E of 4th, 5th, 6th Lots N of N Side of 32nd N. & Governour 111.64 6
V/L Directly N of 7400 E. 32nd 111.64 6
V/L 2 N of 7400 E. 32nd N. 111.64 6
V/L E of 1st, 2nd N of 7400 E. 32nd N. 111.64 6
V/L 2nd E of Lot 2nd N of 7400 E. 32nd N 111.64 6
V/L 3rd E of Lot 2nd N of 7400 E. 32nd N 111.64 6
V/H @ 3015 N. Park Place 111.64 6
O/H @ 11711 W. Nantucket 111.64 5
O/H @ 9916 W. Briarwood 111.64 5
O/H @ 1414 N. Murray Ct 111.64 5
V/L SW cor Maple & Herschel 111.64 5
V/L S of SW cor Maple & Herschel 111.64 5
V/H @ 5008 W. Douglas 111.64 4
V/H @ 629 N. Hoover 111.64 6
V/L S of 1213 N. St Paul 111.64 6
V/H @ 1456 N. Piatt 111.64 1
V/L btwn 1131 & 1137 N. Poplar 111.64 1
V/H @ 1226 N. Grove 111.64 1
V/H @ 1054 N. Poplar 111.64 1
V/L NE cor 2nd & Piatt 118.00 1
V/H @ 214 N. Lorraine 111.64 1
V/H @ 750 S. Pattie 111.64 1
V/L behind (E) of 902 S. Topeka 111.64 1
V/H @ 422 E. Lincoln 111.64 1
V/Duplex @ 402 E. Lincoln 111.64 1

V/L SW cor Funston & Mosley	111.64 3
V/H @ 1824 S. Fern	111.64 4
O/H @ 1414 W. Haskell	111.64 4
V/H @ 4953 E. Morris	111.64 3
V/H @ 1527 E. Fortuna	111.64 3
O/H @ 1622 E. El Monte	111.64 3
V/L btwn 1319 & 1403 E. Idlewild	111.64 3

TOTAL \$58,022.28

S-76331 6 Affidavits

Published in The Wichita Eagle on November 14, 2005

ORDINANCE NO. .

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE COST OF ABATING CERTAIN PUBLIC HEALTH NUISANCES (LOT CLEAN UP) UNDER THE PROVISION OF SECTION 7.40.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite each of the following lots, pieces and parcels of land or ground, herein specified, be and the same is hereby levied to pay the cost of abating certain public nuisances under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, which public health nuisances are determined to have existed upon the following described property:

SECTION 2. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this 8th day of November 2005.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law
S-76220

6 Affidavits

Published in The Wichita Eagle on November 14, 2005

ORDINANCE NO. .

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE COST OF
CUTTING WEEDS IN THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sums set opposite the following lots, tracts, pieces and parcels of
land or ground, herein specified, be and the same are hereby levied to pay the cost of cutting
weeds in the City of Wichita, Kansas in the year 2006:

SECTION 2. This ordinance shall take effect and be in force from and after its passage
by the city council and publication once in the official City newspaper.

ADOPTED at Wichita, Kansas, this 8th day of November, 2005.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form

Gary E. Rebenstorf, Director of Law

Agenda Item No. 16.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0973

TO: Mayor and City Council

SUBJECT: Homeless Assistance

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Approve funding for homeless assistance, authorize the City to participate in the RFP process to procure that assistance, and authorize the necessary signatures for a contract between the City and the provider of the homeless services.

Background: On September 13, 2005, the City Council approved Resolution # which authorized funding for the winter emergency overflow shelter. Subsequent to that action, it was determined that clarification was needed in the specific operating conditions for the overflow shelter.

Following are the clarifications.

The shelter will be open December 1, 2005 through February 28, 2006. In the event that temperatures or wind chills are forecast to reach or fall below freezing prior to December 1 or after February 28, the shelter will be open and staffed those nights, as well. The objective for the overflow is to provide a safe shelter when shelter beds are full and not to become another shelter; thus every reasonable effort will be made by the successful grant recipient to place individuals in

appropriate existing shelters (an appropriate shelter is one for which a client is eligible based on the standards of the shelter), prior to utilizing an “overflow” bed.

Analysis: These clarifications take into account variations in weather conditions and will further ensure the safety of the community’s most vulnerable homeless residents.

Financial Considerations: The prior Council action approved \$12,500 from City Community Services Block Grant (CSBG) funds, to fund the winter emergency overflow shelter. No General Funds have been used for this purpose and no General Funds are recommended at this time. Additional matching funds are being provided by Sedgwick County and the United Way.

Legal Considerations: Prior to execution, the Law Department will review the contract between the City and the provider of winter emergency overflow shelter.

Recommendations/Actions: It is recommended that the City Council approve the modifications to the original action to fund the winter emergency overflow shelter and authorize the City to participate in the RFP process used to procure a service provider and authorize the necessary signatures for the resulting contract.

Agenda Item 19.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0975

TO: Mayor and City Council

SUBJECT: Public Hearing and Issuance of Industrial Revenue Bonds (Integrated Healthcare Systems, Inc.)(District II)

INITIATED BY: City Manager’s Office

AGENDA: New Business

Recommendation: Close the public hearing and place the Ordinance on first reading.

Background: On June 8, 2004, City Council approved a Letter of Intent to issue IRBs in the amount not-to-exceed \$26,000,000, to Integrated Healthcare Systems, Inc., for the benefit of Wichita Clinic P.A. The bonds will be used to finance the cost of acquiring, constructing, and equipping a medical office building and ambulatory surgical center. Integrated Healthcare Systems, Inc., is an operating company owned solely by the stockholders of Wichita Clinic, P.A.

Integrated Healthcare Systems will sublease the project to the Wichita Clinic. The new facility will be located at 21st & K-96. The Company is requesting the issuance of Industrial Revenue Bonds in the amount not-to-exceed \$16,229,000.

Analysis: Wichita Clinic, P.A. is the State's largest medical group practice, with approximately 160 doctors practicing at eleven locations in 40 different medical specialties. Wichita Clinic founded in 1948, currently employs approximately 1,215 individuals. Wichita Clinic is a leader in the health care community and provides outpatient medical services to the residents of Wichita, Sedgwick County, and northern Oklahoma. Wichita Clinic provides both primary care and specialty care outpatient medical services. Wichita Clinic also provides outpatient surgery services in its Day Surgery center. Other services include extensive imaging services, the only two certified sleep medicine facilities in Wichita and numerous pediatric specialists not available elsewhere in the region.

Integrated Healthcare Systems project includes a new 121,000 S.F. facility located at 21st & K-96 on approximately 30 acres. The project consists of a new ambulatory surgery center, medical office building, imaging center and supporting departments. The company anticipates that it will create 70 new jobs within the first three years of operation.

An estimated analysis of the uses of project funds is:

USES OF FUNDS:

Construction of a Medical Office Building, Ambulatory Surgical Center and Imaging Center	\$16,229,000
Total cost of Project	\$16,229,000

The firm of Hinkle, Elkouri Law Firm, L.L.C. serves as bond counsel in the transaction. The bonds will be privately place and not re-offered for public sale. Integrated Health Systems has complied with the City's requirement contained in the Standard Letter of Intent Conditions.

Financial Considerations: Integrated Healthcare Systems agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Integrated Healthcare Systems did not request a tax abatement of ad valorem property taxes on the project. Integrated Healthcare Systems did receive an exemption on all sales taxes on the purchases of building materials associated with the Project. The estimated sales tax savings for Integrated Healthcare Systems is \$511,214.

Legal Considerations: Bond documents needed for the issuance of the bonds has been prepared by Bond Counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Recommendations/Actions: It is recommended that the City Council close the public hearing and approve first reading of the Bond Ordinance, authorizing the execution and delivery of

documents for the issuance of Industrial Revenue bonds in an amount not-to-exceed \$16,229,000, and authorize the necessary signatures.

Agenda Item No. 20.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0976

TO: Mayor and City Council

SUBJECT: 2006 Wichita Aviation Festival

INITIATED BY: Division of Arts and Culture

AGENDA: New Business

Recommendation: Approve the contract with Wichita Festivals, Inc. (WFI) to produce, market and manage the 2006 Kansas Flight Festival for the City of Wichita, Kansas (City) to be held in late Summer or early Fall of 2006 on a date or dates to be determined.

Background: WFI successfully fulfilled the requirements as stipulated in their contract with the City for completion of the 2005 Kansas Flight Festival. Upon completion of a successful 2005 festival, WFI has concluded they have the professional services to produce, market, and manage the 2006 Kansas Flight Festival, which will include the following components.

- Event concept development and strategic planning;
- Site evaluation and planning;
- Promotion/marketing plan;
- Budget planning;
- Ticketing;
- Facility preparation and operations;
- Airshow and attractions and;
- Performance criteria and financials.
-

Analysis: It was deemed by City Council that WFI should produce, market, and manage the 2005 Kansas Flight Festival. WFI is ready, willing, and able to provide the professional services necessary to accomplish the 2006 Kansas Flight Festival as concluded by the past performance of successful production, marketing, and management of the River Festival and the 2005 Kansas Flight Festival.

Financial Considerations: The City of Wichita will provide \$75,000 in funding for successful completion of this contract. The City will pay to WFI the sum of \$25,000 upon execution of this contract. The City will then pay additional sums in agreed amounts upon completion of agreed project milestones. A retainer of \$10,000 shall be withheld pending successful completion of all

tasks outlined in the Contract and this Scope of Work. The City desires a festival that is both economically sound and has high public appeal. The expected performance benchmarks are attendance of 8,000 in paid ticket sales, and \$30,000 in gross concession sales. WFI shall submit to the City financial reports detailing budget projections and actual expenditures in three intervals. The first report is due six (6) months from contract execution, the second report is due two (2) months prior to the event and a final post-festival report is due thirty (30) days after the festival closes.

Legal Considerations: Law Department has prepared and approved the Agreement for Production, Marketing and Management of the 2006 Kansas Flight Festival.

Recommendations/Actions: It is recommended that the City Council approve the contract to employ WFI to provide the professional services to accomplish this task.

Agreement for Production, Marketing and Management of The 2006 Fall Aviation Festival

This Agreement, November ____, 2005 is between The City of Wichita, Kansas (City) and Wichita Festivals, Inc. a corporation with its main office at 1820 E. Douglas, Wichita, KS 67214 (WFI). City wishes to contract with WFI to produce, market and manage a combination public festival celebrating the role of the aviation industry in the Wichita community with an airshow attraction and such other events and activities as would be suitable to the enhancement of the festival for 2006. WFI is ready, willing and able to provide the professional services necessary to accomplish this task. This Agreement constitutes the terms and conditions under which WFI will provide these services:

1. WFI services.

WFI agrees to provide all research, concept development, planning, marketing, advertising, management, and supervision needed to meet the expectations set out in the attached Scope of Work designated as exhibit B to this agreement and fully incorporated into this agreement by reference. WFI agrees to provide all materials needed to discharge the services described above, and all communication and transportation expenses, including per diem expenses incurred in satisfaction of the obligations stated above.

2. Compensation.

City will provide compensation to WFI according to the terms set out in the Attachment B Scope of Work. The City will administer payment of the compensation as described above, and agrees to timely make payments upon proof of completion of the established milestones agreed by the parties upon their determination through the initial planning phase.

3. Contract term. All services called for under this Agreement shall be completed not later than November 21, 2006, unless the financial reporting called for 30 days subsequent to the closing date of the festival shall fall later than that date

4. Termination. City retains the right to terminate this Agreement for a material breach of any of its terms by WFI, subject to two (2) weeks notice in writing of same. If this Agreement is terminated on completion of any phase of WFI' services, the progress payments to be made in

accordance with Section Two of this Agreement on account of that and all prior phases shall constitute total payment for services rendered. If terminated during any phase of the work, WFI shall be paid for services performed during such phase on the basis of their reasonable estimate of the portion of such phase completed prior to termination.

5. Warranty, Indemnification and Insurance.

a. WFI shall indemnify, hold harmless and defend City and its agents and employees against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of WFI, its agents, servants, employees, or subcontractors occurring in the performance of its services under this Agreement.

b. WFI shall procure and maintain such insurance as will protect WFI from damages resulting from the negligent acts of WFI, its agents, officers, employees and subcontractors in the performance of any of the services rendered under this Agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to approval of City. In addition, a Worker's Compensation and Employer's Liability Policy shall be procured and maintained, covering its employees. This policy shall include an "all state" endorsement. WFI shall make the same requirement of liability insurance of all contractors, subcontractors or agents not the direct employees of WFI.

6. Nondiscrimination. WFI agrees to comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including all laws related to unlawful discrimination. WFI agrees to abide by the requirements of the City's Nondiscrimination policy, attached as Exhibit A to this agreement.

7. Non-assignment.

a. WFI agrees that the services to be performed by WFI under the terms of this Agreement are personal and cannot be assigned, sublet or transferred without specific consent of the City. Recommendation or requirement in the scope of work for participation of additional parties or entities shall constitute that consent.

C.B. It is further agreed that this agreement and any written amendments to this agreement shall be binding upon the parties hereto and their authorized successors and assigns.

8. Non-waiver.

a. Neither the City's review, approval or acceptance of, nor payment for, any of the work or services required to be performed by WFI under this Agreement shall be construed to operate as a waiver of any right under this Agreement or any cause of action arising out of the performance of this Agreement.

b. The rights and remedies of the City provided for under this Agreement are in addition to any other rights and remedies provided by law.

9. Independent Contractor. The relationship of WFI to the City will be that of an independent contractor. No employee or agent of WFI shall be considered an employee of the City.

10. Governing Law. The laws of the State of Kansas shall govern the validity, construction, interpretation, and effect of this Agreement.

IN WITNESS WHEREOF, WFI and the City have executed this Agreement effective as of the date first written above.

City of Wichita, KS

Wichita Festivals, Inc.

Carlos Mayans, Mayor

Janet Wright, President/CEO

Attest:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf
Director of Law and City Attorney

Exhibits A and B, attached, are incorporated by reference.

Exhibit B
Scope of Services
Aviation Festival Contract

The City of Wichita agrees to provide underwriting to Wichita Festivals, Inc. (WFI) in exchange for the production, marketing and management of the 2006 Kansas Flight Festival, to be held in late Summer or early Fall, on a date or dates to be determined by WFI. WFI will be responsible for complete event production, to include:

1. Event Concept Development and Strategic Planning

This planning should address all pertinent areas as necessary for a successful festival, including finance and budgeting; promotions and marketing; ticketing; air and ground operations; facility set up, maintenance and tear down; and labor needs. These plans should include a timetable for completion and intermediary milestones. WFI retains the right to define and execute these plans

as they deem appropriate within the scope of this contract, without the express or written permission of City officials.

2. Site Evaluation and Planning

The site for the event should be within Wichita/Sedgwick County. Site planning should incorporate creative parking and security solutions, and allow effective opportunities for concessions and other vendors as deemed appropriate by WFI. Air show events will provide maximum safety for performers and spectators.

3. Promotion/Marketing Plan

WFI will provide appropriate advertising and other marketing directed to the general public as deemed appropriate by WFI. This marketing will include solicitation of corporate sponsors for underwriting specific air show performers and/or sponsorship of corporate chalets or other similar facilities/activities. WFI will have sole right to determine sponsorship packages and benefits afforded corporate sponsors and retain the exclusive right to secure those commitments unless otherwise agreed upon.

4. Budget Planning

WFI shall plan and prepare a budget to cover projected expenses, contingencies and all sources of revenue for the festival, including payments by the City of Wichita under this contract. WFI accepts responsibility for any shortfall of income, and shall be entitled to positive income generated after all expenses are paid. WFI will provide financial reports to the City as designated below in section 8.

5. Ticketing

WFI will be responsible for printing, distribution, sales and accounting of proceeds for festival tickets. This includes setting a reasonable price for admission and controlling and auditing ticket issuance. Tickets shall be available from a sufficient number of geographically dispersed locations to facilitate purchase throughout the Wichita metropolitan area.

6. Facility Preparation and Operations

The facilities available for the festival should be used to best advantage to provide for static displays of general aviation as well as military and “warbird” aircraft, activities for children, and educational opportunities for pilots, enthusiasts, youth etc., as deemed appropriate by WFI. Provision for parking, security and safety concerns, concessions and other vendors, as mentioned above should be included in facility preparations. WFI shall be responsible for securing air box, filing appropriate forms with FAA and complying with FAA requirements. It shall obtain permits and licenses as required by City ordinance. WFI will provide insurance coverage for all events and activities for the coverages and in the amounts designated in the base contract. WFI shall include in the festival volunteer and event opportunities for local aviation/pilot associations

and organizations. WFI will be responsible for securing competent labor for all operations functions, including cleanup after the festival.

7. Airshow and Attractions

The primary attraction for the festival shall be the air show with approximately 75% of City funding designated for this purpose, based on the overall event budget defined by WFI. The air show shall be managed by a professional ICAS rated air show boss/coordinator. WFI shall obtain nationally recognized air show performers to perform in the air show. WFI shall secure the static displays and plan other acts and events it deems conducive to public interest.

8. Performance Criteria and Financials

The City of Wichita will provide \$75,000 in funding for successful completion of this contract. The City will pay to WFI the sum of \$25,000 upon execution of this contract. The City will then pay additional sums in agreed amounts upon completion of agreed project milestones. A retainer of \$10,000 shall be withheld pending successful completion of all tasks outlined in the Contract and this Scope of Work. The City desires a festival that is both economically sound and has high public appeal. The expected performance benchmarks are attendance of 8,000 in paid ticket sales, and \$30,000 in gross concession sales. WFI shall submit to the City financial reports detailing budget projections and actual expenditures in three intervals. The first report is due six (6) months from contract execution, the second report is due two (2) months prior to the event and a final post-festival report is due thirty (30) days after the festival closes.

Agenda Item 21.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0977

TO: Mayor and City Council

SUBJECT: Library Horizon Computer Migration Project

INITIATED BY: Library/IT Departments

AGENDA: New Business

Recommendation: Authorize staff to initiate the project

Background: Since 1992, the Library has used integrated library automation systems from the Dynix company to manage its materials inventory, customer accounts, library catalog and several corresponding technology features such as the TeleCirc automated calling and renewal system and HIP, the remote version of the library catalog. The current, "classic" version of this system

has ceased ongoing development. The next upgrade version of the system is the Horizon system, which provides increased ease of use for customers, greater functionality for library employees and a non-proprietary database design consistent with other City supported technology applications. This transition will also allow the Library to more easily implement public computing workstation timing and print management to improve cost recovery of this service.

Analysis: The Library has been aware of the eventual need to migrate from the Dynix system to the newer and more powerful Horizon product since 1999. Plans for the change have been underway since that time as the Library made the time-intensive transition from Optical Character Reader (OCR) technology to the use of barcodes and began a gradual replacement of character-based Wyse terminals to more user-friendly and versatile PCs and thin clients. With these changes nearing completion, the Library is now ready to schedule the system upgrade. The recent corporate merger of the Dynix company with Sirsi, another long-time library automation vendor, into SirsiDynix makes timely completion of the upgrade more critical as support for older systems such as Wichita's is being phased out to increase support for ongoing products, including Horizon. Initiation of the project at this time should allow the Library to schedule an actual migration from Dynix to Horizon in the spring of 2006.

Financial Considerations: The total budget for the upgrade project is \$209,420. Sixty percent of the project funding is from Library grant sources. The remaining expenses will be paid initially from the IT/IS replacement fund, with repayment by the Library over the next several years. Operational funding such as software maintenance and data applications has been included in the 2006 and 2007 budgets.

Legal Considerations: Vendor contracts with schedules for the project completion will be reviewed by the Law Department.

Recommendation/Action: It is recommended that the City Council authorize staff to initiate the project and authorize the necessary signatures.

Agenda Item No. 22.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0978

TO: Mayor and City Council

SUBJECT: Sewer Main Benefit Fee - Ordinance

INITIATED BY: Water & Sewer Department

AGENDA: New Business

Recommendation: Approve the Ordinance for the Sewer Main Benefit Fee.

Background: The Sewer Utility shares with developers the cost of installing sanitary sewer collection mains for new developments. While the main is designed to collect sewage from the entire drainage basin, there may not be development in the entire basin to share the cost. In that case, the Utility pays its share for the portion that is being developed, and also pays for the entire cost for the portion of the basin that is not being developed. As subsequent development occurs, a sewer main benefit fee is assessed along with the special assessments for the lateral sewers. The fee is collected through the special assessment process and then transferred to the Sewer Utility partially offsetting the cost for the portion that the Utility initially paid.

Analysis: The Home Rule Ordinance does not address fees collected through the special assessment process for purposes other than special assessments. The proposed Ordinance will enable the Sewer Utility to recover the Sewer Main Benefit Fees from the Special Assessment Fund.

Financial Considerations: The Sewer Utility generally pays 50 percent of the cost for installing sewer mains for new development. Areas currently requiring sewer mains are larger than in prior years, and the areas have less initial development as well. The Sewer Main Benefit fee will enable the sewer main to be built efficiently for the basin without burdening the current sewer customers with the cost, or expecting the initial development to pay more than its share.

Legal Considerations: The Ordinance has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that City Council approve the Sewer Main Benefit Fee Ordinance and place the Ordinance on first reading.

Agenda Item No. 23.

City Of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0979

TO: Mayor and City Council

SUBJECT: Equus Beds Aquifer Storage and Recovery Project (Phase I) –
Design/Build

INITIATED BY: Water & Sewer Department

AGENDA: New Business

Recommendation: Authorize Staff to proceed with the design/build project for design and construction of a 7 million gallon per day surface water treatment plant.

Background: On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project. Phase I of the ASR Project was to design seven diversion wells and six recharge facilities with a capacity of 10 million gallons per day (MGD).

Analysis: As part of the Phase I project, the engineer performed a pumping test near one of the proposed diversion well sites. The test was to help determine how much water could be diverted from the river using wells adjacent to the river. Results of the recently completed pumping test determined that the river/aquifer connection in this area is less substantial than it was at the site used during the Recharge Demonstration Project. Consequently, the proposed diversion wells will not be able to capture up to 10 MGD without potentially impairing other groundwater users. The advantage of diversion wells is that they eliminate the need for water treatment, since the riverbank filters most of the objectionable materials from the river.

The only way to capture up to 10 MGD at this site and fully utilize the recharge facilities is to withdraw water directly from the river. A direct surface water diversion will require the use of a water treatment plant prior to using the water to recharge the aquifer. Based on the results of the pump tests, it appears that a 5-to-7 MGD surface water diversion and treatment plant will be required.

The goal is to have the facilities of Phase I completed and operational by the fall of 2006, so that water can be captured after the runoff events that generally occur in the fall. The experience gained from operating Phase I facilities will then be used to enhance the design and construction of the Phase II facilities, which are planned for design in 2007. Phase II will capture and recharge 30 MGD through a direct surface water diversion. If the City is not able to operate the Phase I facilities until the spring of 2007, it would delay the design and construction of Phase II by approximately one year.

Staff believes the only way to have the surface water treatment facilities operational by fall 2006 is to have the facility constructed using the design/build methodology. Using design/build, the engineer and the contractor work together to develop the best facilities, allowing the contractor to begin construction earlier, and allowing them to order major equipment sooner, which may have extended delivery time. The remainder of the facilities included in the Phase I project will remain as design/bid/build projects.

Financial Considerations: The cost of surface water treatment facilities is estimated to be \$9,000,000. This is an unanticipated additional cost for the project. Funding for this addition to Phase 1 is available in the CIP project W-549, Water Supply Plan. Depending on the bids for the other portions of Phase 1 (the treatment plant, the remaining diversion wells and river intake, the overhead power lines, and the rest of the recharge facilities), additional funds may be needed from the CIP budget for this project. If required, additional requests for funds will be submitted with the attendant contract to City Council for approval.

Legal Considerations: Charter Ordinance 111 requires City Council approval for a “design-build” project before requests for proposals are sent.

Recommendations/Actions: It is recommended that City Council: 1) approve the construction of the surface water treatment facilities for Phase I of the ASR Project as a design/build project; and 2) authorize Staff to proceed with the Request for Proposals.

Agenda Item No. 24.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0980

TO: Mayor and City Council

SUBJECT: DR2005-00030 Amendment to the April 19, 2001 Edition of the Wichita-Sedgwick County Unified Zoning Code to amend definitions and use regulations for uses including night club in the City, personal care service, personal improvement service, sexually oriented business, the OT-O use regulations, and taverns and drinking establishments, and to nonconformities.

INITIATED BY: Metropolitan Area Planning Department

AGENDA: New Business

MAPC Recommendation: Approve (7-3)

Staff Recommendation: Approve

DAB Recommendations: DAB I - provided input and comments for City Council consideration (9-26-05); DAB II - provided input and comment for City Council consideration (10-03-05); DAB III - unanimous vote that they do not want these type of SOB businesses in District III (10-05-05); DAB IV - provided input and comment for City Council consideration (10-05-05); DAB V - provided comment (10-03-05); DAB VI - provided feedback and input (09-12-05)

Background: The regulation, permitting and licensing of adult entertainment establishments are currently governed by Chapter 3.05 of the City Code. Adult entertainment establishments (or sexually oriented businesses) are not currently defined or regulated through the Wichita-Sedgwick County Unified Zoning Code (UZC) within the City of Wichita.

Sedgwick County already has regulations in place to require sexually oriented businesses to be in compliance with the County’s Adult Entertainment Code, to prohibit establishment of businesses

within 1,000 feet of a church, school, public park, residential dwelling or other adult establishment, and to amortize existing businesses not in compliance with these requirements (Sedgwick County Resolution No. 84-01, October 5, 2001; as amended Resolution No. 86-04, May 19, 2004).

Beginning with a City Council workshop on February 1, 2005, and following a moratorium enacted on February 8, 2005 on the issuance of permits and licenses for new adult entertainment business, staff has been comprehensively addressing the negative effects of adult entertainment businesses upon neighboring properties and the community as a whole. A conceptual overview of proposed amendments to the Wichita-Sedgwick County Zoning Code and the existing adult entertainment licensing ordinance were discussed at a City Council Workshop on July 26, 2005. At the regular meeting on August 2, 2005, the moratorium was extended until November 15, 2005, to allow staff time to (1) draft more specific UZC and licensing ordinance amendment language, (2) present the proposed UZC changes to District Advisory Boards for review and comment; and (3) present final proposed UZC amendments to MAPC in October.

During the months of September and October, each District Advisory Board (DAB) received a presentation on the proposed amendments and provided comments to staff. A copy is attached to this memo of the DAB Agenda referral item (Attachment 1) and a report entitled "District Advisory Board Overview: Proposed Sexually Oriented Business Zoning and Licensing Code Amendments" (August 31, 2005) (Attachment 2). Also, a copy of minutes from DAB meetings is attached (Attachment 3).

The comments heard at the DAB meetings indicated general support for the idea of restricting adult businesses (or sexually oriented businesses) to more intensive zoning districts, as proposed by staff. The proposal is to limit these businesses to "GC" General Commercial, "LI" Limited Industrial" and "GI" General Industrial, and to prohibit them in the "OT-O" Old Town Overlay District. The "D-O" Delano Overlay District already prohibits them. Currently these businesses are viewed as general retail, theater, hotel and/or office uses allowed in less intensive zoning districts, including "GO" General Office (hotels), "NR" Neighborhood Retail (depending on floor area), "LC" Limited Commercial, "OW" Office Warehouse, and "CBD" Central Business District. The other restriction would be to require adult businesses (or sexually oriented businesses) to be separated at least 500 feet away from a church, public or parochial school, public park, day care center, residential zoning district, or the "OT-O" Old Town Overlay district.

The presence of adult businesses was seen as potentially jeopardizing the substantial investments being made in certain areas of the city, especially in the downtown and the Old Town areas. It was also viewed as discouraging families from visiting family-friendly attractions that might be in the vicinity and being a deterrent to residential use nearby.

The issue of phasing out (amortization) existing adult businesses generated a wider range of comments at the DAB meetings. One of the concerns raised were about the general concept and/or fairness of amortizing the use and its legality, as well as protection of First Amendment rights. Staff members discussed that amortization of adult businesses (or sexually oriented

businesses) has been upheld in court cases (see fuller discussion in Attachment 3-DAB meeting minutes). Another significant concern was the short length of time for amortization proposed.

At the MAPC meeting held October 20, 2005, MAPC voted (7-3) to approve subject to staff recommendation. One major concern was that the "GI" General Industrial district included property within the 21st Street Revitalization Corridor or the Mid-Town area. A motion was made to approve subject to staff recommendations but with the additional elimination of "GI" General Industrial zoning from districts where sexually oriented businesses would be permitted, but no action was taken on the motion; instead a substitute motion to approve subject to staff recommendation was approved.

RECOMMENDATION:

1. Concur with the findings of the MAPC and approve proposed amendment to the Unified Zoning Code, approve the Ordinance on the first reading, or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

(150004) Published in the Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE PROVIDING AMENDMENTS TO SECTION II-B.9.b, SECTION II-B.10.h AND II-B.10.i, SECTION II-B.12.1, SECTION III-B.14.b(3), SECTION III-C.4.b, SECTION III-D USE REGULATIONS SCHEDULE, SECTION III-D.6.w, SECTION III-D.6.ff AND SECTION VII-J OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (April 19, 2001 EDITION), AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.04.010 BY ORDINANCE NO. 44-975, DEALING WITH SEXUALLY ORIENTED BUSINESSES IN THE CITY.

WHEREAS, under the authority of K.S.A. 12-741, et seq., the City of Wichita desires to adopt amendments to the Wichita-Sedgwick County Unified Zoning Code pertaining to Sexually Oriented Businesses in the City; and

WHEREAS, by K.S.A. 12-770, the City of Wichita may adopt reasonable regulations for the gradual elimination of sexually oriented businesses which constitute nonconforming uses; and

WHEREAS, the governing body of the City of Wichita finds and determines that the regulations set forth in this ordinance are reasonable regulations for the gradual elimination of sexually oriented business which constitute nonconforming uses;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA;

SECTION 1. Section II-B.9.b of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

II-B.9.b Night Club in the City means an establishment located in the City of Wichita that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered to the public or its members, and which may or may not serve food. When the nightclub in the City qualifies as an Adult Entertainment Establishment under Chapter 3.05 of the Code of the City of Wichita, its uses shall be governed in this Code by the requirements for Sexually Oriented Businesses in the City.

SECTION 2. Section II-B.10.h and II-B.10.i of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

II-B.10.h Personal Care Service means an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or his personal goods or apparel. Typical uses include beauty and barbershops, electrolysis studio's, shoe shining and/or repair operations, tailors, and neighborhood laundry and dry cleaning operations. When the Personal Care Service establishment qualifies as an Adult Entertainment Establishment under Chapter 3.05 of the Code of the City of Wichita, its regulation shall be governed in this Code by the requirements for Sexually Oriented Businesses in the City.

II-B.10.i Personal Improvement Service means an establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include portrait shops, photography studios, art and music schools, licensed massage therapists, health and fitness studios, swimming clubs and handicraft or hobby instruction. Personal improvement service in the County also includes tattooing and body piercing. When the Personal Improvement Service establishment qualifies as an Adult Entertainment Establishment under Chapter 3.05 of the Code of the City of Wichita, its regulation shall be governed in this Code by the requirements for Sexually Oriented Businesses in the City.

SECTION 3. Section II-B.1 of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

II-B.12.1 Sexually Oriented Business in the unincorporated areas of the County (Sexually Oriented Business in the County) means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

II-B.12.1-a With the exception of escort agency, all of the same establishments described in the Sec. II-B.12.1 describe a Sexually Oriented Business in the City.

SECTION 4. Section III-B.14.b(3) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

III-B.14.b(3) Commercial Uses

Sexually oriented business in the County, subject to Sec. III-D.6.ff

SECTION 5. III-C.4.b of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

III-C.4.b Use regulations. The use regulations of the underlying zoning district shall control within the OT-O district, provided however, that all uses allowed as permitted and Conditional Uses within the residential zoning districts shall also be allowed as permitted or Conditional Uses, respectively, in the OT-O district; except that tattooing and body piercing facilities and any Sexually Oriented Business in the City shall not be allowed as a permitted or a Conditional Use.

SECTION 6. Section III-D Use Regulations Schedule of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

III-D Use Regulations Schedule

P = Permitted Use

C = Conditional Use

USE TYPE		ZONING DISTRICTS									
	RR	SF20	SF10	SF5	TF3	MF18	MF29	B	MH	NO	GO
	NR LC	OW	GC	IP	CBD	LI	GI	conditions			
COMMERCIAL											

Sexually Oriented Business in the City							P	P	P	D.ff		
Sexually Oriented Business in the County	P						P	P	P	D.ff		

SECTION 7. Section III-D.6.w of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

III-D.6.w Taverns and drinking establishments, clubs and night clubs in the City. Although listed as permitted uses in some districts, taverns, drinking establishments, clubs and night clubs in the City shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 200 feet of a church or place of worship, public park, school or residential zoning district. This distance shall be measured from the nearest lot line of the church or place of worship, public park, school or residential zoning district to the nearest lot line of the premises on which the tavern, drinking establishment, club or night club is located or

of any parking lot designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required parking spaces for such a business located within a multi-tenant structure or shopping center are those located nearest the public entrance to the business. "Establishment" of any tavern, drinking establishment, club or night club business shall be deemed to include the opening of such a business as a new business, the relocation of such businesses or the conversion of an existing business location to any such business use, or any expansion of such a business beyond the existing square footage of the premises. Night clubs in the City that qualify as Sexually Oriented Businesses in the City shall be permitted uses in those districts that allow Sexually Oriented Businesses, if the location of operation is no less than 500 feet from a church, school, public park, licensed day care center, the boundary of any residential district, the boundary of the OT-O district, and from any other Sexually Oriented Business.

SECTION 8. Section III-D.6.ff of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

III-D.6.ff Sexually oriented business.

(1) Sexually oriented business in the County. Sexually oriented businesses shall be permitted in the unincorporated area of the County only when such business is properly licensed with the County pursuant to the County's Adult Entertainment Code (Article VIII of Chapter 17 of the Sedgwick County Code), and only when such business is in compliance with the requirements of said Adult Entertainment Code. No sexually oriented business shall be located less than 1,000 feet from a church, school, public park, residential dwelling or other adult establishment, all as defined in the Adult Entertainment Code, subject to the amortization provisions set forth in the Adult Entertainment Code and in Sec. VII-J herein.

(2) Sexually Oriented Business in the City. Sexually oriented businesses shall be permitted in the City only when such business is properly located pursuant to this Code and is licensed with the City pursuant to Chapter 3.05 of the Code of the City of Wichita, and only when such business is in compliance with the requirements set out in this Code and Chapter 3.05 of the Code of the City of Wichita. No sexually oriented business shall be located less than 500 feet from a church, school, public park, licensed day care center, the boundary of any residential district, the boundary or the OT-O district and from any other adult establishment defined in Chapter 3.05 of the Code of the City of Wichita, subject to the amortization provisions set forth in that Chapter and in Section VII-J.4 herein.

SECTION 9. Section VII-J of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

VII-J. AMORTIZATION OF NONCONFORMITIES: Sexually Oriented Business Distance Requirements and Zoning District Limitations

1. No sexually oriented business in Sedgwick County shall be located less than 1,000 feet from a church; less than 1,000 feet from a school; less than 1,000 feet from a public park; less

than 1,000 feet from a residential dwelling; or less than 1,000 feet from another adult entertainment establishment, regardless of licensure. The terms church, school, residential dwelling, and adult establishment shall be defined as set forth in the County's Adult Entertainment Code (Article VIII of Chapter 17 of the Sedgwick County Code) and any amendments thereto. This distance is to be measured from the nearest property line of the church, school, public park, residential dwelling, or other adult establishment, (regardless of licensure), to the nearest property line of the premises on which the sexually oriented business is located or of any parking lot designated to be used by the patrons of such an establishment.

a. Exception: Sec. V-J.1 above shall not apply to a sexually oriented business if said sexually oriented business first locates at a particular premises after June 28, 2000; and the church, school, public park, residential dwelling, or other adult establishment moves into the 1,000 foot area after the sexually oriented business has commenced operations on the premises.

b. Exception: A sexually oriented business may be located within 1,000 feet of a currently occupied residential dwelling provided that any currently occupied residential dwelling within 1,000 feet of the sexually oriented business is separated from the sexually oriented business by a roadway designated as a United States Highway.

c. Exception: A sexually oriented business may remain at a location within 1,000 feet of a church, school, public park, residential dwelling or separate adult establishment if said sexually oriented business was operating as a sexually oriented business at said location on or before June 28, 2000 and held a valid adult establishment license for said location on June 28, 2000, so long as said sexually oriented business is and remains properly licensed and so long as said sexually oriented business has continuously operated as a sexually oriented business since June 28, 2000, subject to the exceptions and limitations set forth in the County's Adult Entertainment Code.

2. On or before June 30, 2004, all sexually oriented businesses in the County where the licensed premises are located within 1,000 feet of a church, school, public park, residential dwelling, or separate adult establishment all as defined in the County's Adult Entertainment Code, shall cease operation unless exempted pursuant to the provisions of the County's Adult Entertainment Code.

3. No sexually oriented business in the City shall be located less than 500 feet from a church; less than 500 feet from a school; less than 500 feet from a public park; less than 500 feet from a licensed day care center; less than 500 feet from the boundary of a residential district; less than 500 feet from the boundary of the OT-O district; or less than 500 feet from another adult entertainment establishment, regardless of licensure. The terms church, school, public park, licensed day care center, residential district, OT-O district and adult establishment in this section shall be defined as set forth in Chapter 3.05 of the Code of the City of Wichita and any amendments thereto. This distance is to be measured from the nearest property line of the church, school, public park, licensed day care center, residential district boundary, OT-O district boundary or other adult entertainment establishment, (regardless of licensure), to the nearest property line of the premises on which the sexually oriented business is located or of any parking lot designated to be used by the patrons of such an establishment.

a. Exception: Sec. VII-J.3 above shall not apply to a sexually oriented business if said sexually oriented business first locates at a particular premises after December 31, 2006, and the church, school, public park, licensed day care center, or other adult entertainment establishment moves into the 500 foot area after the sexually oriented business has commenced operations on the premises.

b. Exception: A sexually oriented business may remain at a location within 500 feet of a church, school, public park, licensed day care center, residential district boundary, OT-O district boundary or separate adult entertainment establishment if said sexually oriented business was operating as a sexually oriented business at said location on or before February 8, 2005 and held a valid adult entertainment establishment license for said location on February 8, 2005, so long as said sexually oriented business is and remains properly licensed as an adult entertainment establishment and so long as said sexually oriented business has continuously operated as a sexually oriented business since February 8, 2005, subject to the exceptions and limitations set forth in Chapter 3.05 of the Code of the City of Wichita. This exception shall cease to exist, and shall no longer be effective after December 31, 2006.

4. On or before December 31, 2006, all sexually oriented businesses where the licensed premises are located in a zoning district other than GC General Commercial, LI Limited Industrial, or GI General Industrial, OT-O Old Town Overlay District or are within 500 feet of a church, school, public park, licensed day care center, residential district boundary, OT-O district boundary or separate adult entertainment establishment all as defined in Chapter 3.05 of the Code of the City of Wichita, shall cease operation unless exempted pursuant to Sec.VI-J.3.a. above.

SECTION 10. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

PASSED AND ADOPTED by the governing body at Wichita, Kansas, this ____ day of _____, 2005.

Carlos Mayans, Mayor
ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 25.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0981

TO: Mayor and City Council Members

SUBJECT: Contract for Services in Creating the International Marketplace District (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: New Business

Recommendation: (1) Approve the selection of the Greteman Group for services in creating the International Marketplace District; (2) authorize staff to negotiate with the Greteman Group a not-to-exceed contract of \$300,000 to perform the work; (3) authorize the appropriate signatures; and, (4) authorize the appropriate bonding resolution.

Background: The recently adopted 21st Street North Corridor Revitalization Plan has identified the goal of creating an International Marketplace District centered at 21st Street North and Market Street. Focused around a proposed indoor Mercado (public market) facility, this District would offer distinctive dining, shopping and entertainment experiences particular to the cultures represented in the area, as a means of attracting local and regional shoppers and promoting economic renewal of the area.

In September 2005, the City issued RFP No. FP500074 soliciting proposals for historic resource inventory, marketing, community outreach and architectural 'place-making' design services to the City and community stakeholders in creating the International Marketplace District. The key deliverables of this initiative are:

§ Documentation of potentially eligible historic properties within and adjacent to the International Marketplace District.

§ An integrated communications plan that includes strategic marketing, public relations and communications plan elements as well as a branding strategy including naming, icon/logo development and color schemes that will enable the International Marketplace District to eventually become the premier destination for ethnic and international retail business, services and cultural entertainment/artistic events in the Wichita region.

§ An architectural design approach and site concept plan for public and private improvements in the International Marketplace District (including streetscape enhancements, building façade treatments/styles, landscaping treatments, gateway design, way-finding signage, lighting, parking, public jardin) that: reflects, supports and implements the marketing, branding

and public relations strategy; creates a safe and inviting place; and, is sensitive to historically significant architectural elements and buildings in the area.

The International Marketplace District will initially encompass the retail segments of the 21st Street North corridor from Broadway to the Thai Bin Asian Market located at Somerset, and the Broadway Street retail corridor from 22nd Street North to 20th Street North. The consultant will be required to utilize an effective community outreach process in developing the various marketing and architectural elements of the International Marketplace District.

Analysis: A Request for Proposals was prepared and sent to local and regional vendors. A total of two consultant teams (the Greteman Group and the JEO Group) responded with a submittal of proposal. Staff provided evaluation summaries of the two proposals received to the City Staff Screening and Selection Committee. The City Staff Screening and Selection Committee met to review the proposals and subsequently held interviews with the two consulting teams. Following the consultant interviews, the City Staff Screening and Selection Committee determined that the Greteman Group is best qualified and experienced to undertake this plan. The following summarizes the strengths of the Greteman Group consultant team as identified by the Selection Committee:

- § Demonstrated energy and passion for this project.
- § Excellent understanding and approach to the development of an integrated communications plan.
- § Excellent branding and marketing experience.
- § Good participation of minority-based and women-based small businesses.
- § Experienced and qualified local area team members (4 of the 5 firms in the team are Wichita-based).
- § Effective and creative community involvement/outreach approach proposed, including bilingual translation services.
- § Experienced design professionals.

Financial Considerations: The proposed contract with the Greteman Group would be a negotiated contract with a not-to-exceed fee of \$300,000. Funding for this project has been identified in the recently approved 2005-2014 Capital Improvement Program.

Legal Considerations: The contract will be reviewed and approved as to form by the Law Department.

Recommendations/Action: It is recommended that the City Council: (1) approve the selection of the Greteman Group for services in creating the International Marketplace District; (2) authorize staff to negotiate with the Greteman Group a not-to-exceed contract of \$300,000 to perform the work; (3) authorize the appropriate signatures; and (4) authorize the appropriate bonding resolution.

Agenda Item No. 26.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0982

TO: Mayor and City Council

SUBJECT: Home Rule Bonding Ordinance for Creating the International Marketplace District (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: The 21st Street North Corridor Revitalization Plan has identified the goal of creating an International Marketplace District centered at 21st Street North and Market Street. Focused around a proposed indoor Mercado (public market) facility, this District would offer distinctive cultural dining, shopping and entertainment experiences as a means of attracting local and regional shoppers and promoting economic renewal of the area. In order to make this goal a reality, the following services are required to help create the International Marketplace District:

§ Documentation of potentially eligible historic properties within and adjacent to the International Marketplace District.

§ An integrated communications plan that includes strategic marketing, public relations and communications elements and a branding strategy.

§ An architectural design approach/site concept plan for future public and private improvements in the International Marketplace District (including streetscape enhancements, building façade treatments/styles, landscaping treatments, gateway design, way-finding signage, lighting, parking, public garden). This concept plan will reflect, support and implement the marketing, branding and public relations strategy; create a safe and inviting place; and, be sensitive to historically significant architectural elements and buildings in the area.

A consultant will be hired to help create this District working closely with city staff, the 21st Street Business Association, area residents, landowners, and the community at-large.

Analysis: The Department of Law requires the approval of a home rule bonding ordinance to be eligible to issue temporary notes for the cost of services in creating the International Marketplace District. This is necessary even though the temporary notes may be paid with cash. The Law Department has drafted the required home rule bonding ordinance.

Financial Considerations: Funding for this project (not to exceed \$300,000) is identified in the 2005-2014 Capital Improvement Program.

Legal Considerations: A home rule bonding ordinance is required since there is not yet a specific City project associated with the International Marketplace District. The ordinance has been approved as to form by the Law Department.

Recommendations/Action: It is recommended that the City Council approve the home rule bonding ordinance for the International Marketplace District and place the ordinance on first reading.

150004 Published in The Wichita Eagle on _____, 2005

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS AUTHORIZING THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS TO PAY THE COSTS OF PREPARATION OF AN INTERNATIONAL MARKETPLACE DISTRICT PLAN; AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES OF THE CITY FROM TIME TO TIME AS FUNDS ARE NEEDED FOR SUCH PURPOSE.

WHEREAS, Article 12, Section 5 of the Kansas Constitution empowers cities to determine their local affairs and government; and

WHEREAS, the City of Wichita, Kansas (the "City") desires to promote, stimulate and develop the general economic welfare and prosperity of the City and its environs, to provide for commercial development and employment opportunities for its citizens and for the citizens of Sedgwick County, Kansas, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, the 21st Street North Corridor Revitalization Plan has identified the goal of creating an International Marketplace centered around a proposed indoor Mercado at 21st Street North and Market Street; and

WHEREAS, the Governing Body of the City has found and determined that it is necessary and desirable, and in the interest and for the general economic welfare of the City and its inhabitants, that the City obtain an International Marketplace District Plan to address integrated communications and the architectural design approach and site concept plan for future public and private improvements in the International Marketplace District; and

WHEREAS, under the authority of Article 12, Section 5 of the Kansas Constitution, the Governing Body of the City hereby further finds and determines that it is necessary and desirable and in the interest and for the general economic welfare of the City and its inhabitants, that general obligation bonds of the City in an amount not to exceed \$300,000, exclusive of the costs of interest on borrowed money (the "Bonds") be authorized and issued for the purpose of paying costs associated with the preparation of an International Marketplace District Plan, said Bonds to be issued in accordance with the provisions of K.S.A. 10-101 et seq., as amended and supplemented.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The Governing Body hereby finds and determines that it is necessary and desirable to authorize the issuance of general obligation bonds under the authority of Article 12, Section 5 of the Kansas Constitution in an amount not to exceed \$300,000, exclusive of the costs of interest on borrowed money, for the purpose of paying costs associated with the preparation of an International Marketplace District Plan (the "Project"). Such Bonds shall be sold and delivered in accordance with the provisions of K.S.A. 10-101 et seq., as amended and supplemented.

SECTION 2. It is hereby further authorized, ordered and directed that in order to temporarily finance the costs of the Project prior to the completion thereof and until issuance of the Bonds as hereinbefore provided, there shall be issued temporary improvement notes (the "Notes"), the aggregate amount of which shall not exceed the sum of \$300,000, such Notes to be issued from time to time upon subsequent ordinance of the City which shall provide and set forth the details of the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates thereof. Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly completion of the Project. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123, as amended and supplemented, and Article 12, Section 5 of the Kansas Constitution, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123, as amended and supplemented; and said Notes may be issued in combination with any other temporary notes being issued by the City as shall be determined by the Governing Body at the time of such issuance to be in the City's best interests.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City paper.

PASSED AND APPROVED by the governing body of the City of Wichita, Kansas this _____ day of _____, 2005.

Carlos Mayans, Mayor

Attest:

Karen Sublett, City Clerk

(Seal)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. 27.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0983

TO: Mayor and City Council

SUBJECT: Renaming of Park Land at 4270 E. Whitney Lane (District III)

INITIATED BY: Department of Park and Recreation

AGENDA: New Business

Recommendations: Rename the park.

Background: City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ...". The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

Analysis: In 1997, Whitney Village Park was created in the Planeview neighborhood. The person responsible for establishing this park was Phyllis Hall. Ms. Hall has since passed away and the neighborhood and the District III DAB have requested that the park's name be changed to the "Phyllis Hall Memorial Park". On October 10, 2005, the Board of Park Commissioners voted unanimously to comply with the wishes of the neighborhood and the District III DAB.

Financial Considerations: None.

Legal Considerations: None.

Recommendation/Actions: It is recommended that the City Council rename the site at 4270 E. Whitney Lane as the "Phyllis Hall Memorial Park".

Agenda Item No. 28.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0984

TO: Mayor and City Council Members

SUBJECT: Petition to pave Zelta, from Kellogg to Waterman (District II)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the Petition.

Background: The signatures on the Petition represent 16 of 32 (50%) resident owners and 55.8% of the improvement district area. District II Advisory Board sponsored an October 3, 2005, neighborhood hearing on the project. The Board voted 8-2 to recommend approval of the project. There was an indication at the District Advisory Board meeting that some property owners who signed the Petition may ask that their signatures be withdrawn. The Petition was submitted to the City Clerk on September 13, 2005. State Statutes provide that signatures may not be withdrawn later than seven days after the submittal date.

Analysis: The project will provide paved access to a mixed-use developed area.

Financial Considerations: The project budget contained in the Petition is \$185,000 with \$169,500 assessed to the improvement district and \$15,500 paid by General Obligation Bonds. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.15 per square foot of ownership. The City share is for the cost of intersection paving. In addition, it is proposed that the project budget be increased to include a connection to Kellogg Drive based on the design concept for the future Kellogg Freeway. The estimated additional cost is \$50,000, funded by the local sales tax, for a total budget of \$235,000.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 29.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0985

TO: Mayor and City Council Members

SUBJECT: Petition to pave University between Maple Lane and Arapaho (District V)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the Petition.

Background: On July 11, 2005, District V Advisory Board considered a Petition for paving University as a cul-de-sac court between Maple Lane and Arapaho. The project is a condition of platting Ivy Christine 2nd Addition, a new residential subdivision located south of University between Maple Lane and Arapaho. The Board referred the matter back to the Petition signer to circulate a new Petition to pave University as a connecting road between Maple Lane and Arapaho. A new Petition has been submitted in accordance with the District Advisory Board's direction. The signatures on the new Petition represent 7 of 25 (28%) resident owners and 61.22% of the improvement district area. On October 3, 2005, District V Advisory Board voted 8-0 to recommend approval of the project.

Analysis: The project will provide paved access to a partially developed residential area.

Financial Considerations: The estimated project cost is \$75,000, with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties with homes is \$1,955 per tract. The estimated assessment to Ivy Christine 2nd Addition is \$25,000.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 30.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0986

TO: Mayor and City Council Members

SUBJECT: Petition to pave Mascot, from 29th St. North to 31st St. North (District VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the Petition.

Background: The signatures on the Petition represent 18 of 43 (41.86%) resident owners and 54.22% of the improvement district area. District VI Advisory Board sponsored an October 3, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

Analysis: The project will provide paved access to a developed residential area.

Financial Considerations: The estimated project cost is \$215,000 with \$196,500 assessed to the improvement district and \$18,500 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.51 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 31.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0987

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Water Distribution System to serve an area located south of 55th St. South, west of Broadway (District IV)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the Petition.

Background: The signatures on the Petition represent 2 of 4 (50%) resident owners and 56% of the improvement district area. District IV Advisory Board sponsored an October 5, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

Analysis: The project will construct a water distribution system for an area that is currently served by private water wells.

Financial Considerations: The estimated project cost is \$35,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.21 per square foot of ownership.

Legal Considerations: State Statutes proved that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 32.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0988

TO: Mayor and City Council Members

SUBJECT: Petition and Change Order for Sanitary Sewer in Northwest YMCA Addition
(north of 21st, West of 135th St. West) (District V)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the new Petition and change order.

Background: On February 15, 2005, the City Council approved a Petition for a sanitary sewer in Northwest YMCA Addition. During construction, we determined that part of the sewer line will be located under a future parking lot. Because of the depth of the sewer line in combination with

the soil conditions at the site, improved trench backfill measures are needed across the parking lot area to protect against future settlement. The developer has submitted a new Petition with an increased budget to pay for the additional cost. The signature on the Petition represents 100% of the improvement district. A change order has been prepared to authorize the additional work.

Analysis: Northwest YMCA Addition is the site of a new family recreation facility located north of 21st, west of 135th West.

Financial Considerations: The existing Petition totals \$145,000. The new Petition totals \$168,600. The funding source is special assessments. The Change Order amount is \$18,150. The original contract amount is \$53,896. The Change Order represents 33.5% of the original contract amount.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district. The Law Department has approved the Change Order as to legal form. City Council policy limits Change Order totals to 25% of the contract budget. As a result, a policy waiver is needed for this Change Order.

Recommendation/Action: It is recommended that the City Council approve the new Petition, waive the 25% limit on Change Order costs for this project, approve the Change Order, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 33.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0989

TO: Mayor and City Council Members

SUBJECT: Sanitary Sewer to serve an area located north of 31st St. North, east of Hood
(District VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the Project.

Background: On May 31, 2005, a petition was submitted to extend a sanitary sewer lateral to serve two tracts located north of 31st St. North, east of Hood. The signatures on the Petition represented 2 of 4 (50%) resident owners and 45.9% of the improvement district area. District VI

Advisory Board sponsored a July 20, 2005, neighborhood hearing on the project. The board voted 10-0 to recommend approval of the project. In addition, the District Advisory board recommended that the project be expanded if there are adjacent tracts that may be at risk of septic tank failures.

Analysis: The Environmental Services Department has recommended that the project be expanded north to include two additional tracts. All four tracts in the proposed improvement district are currently served by private septic tank systems that are at risk for failure.

Financial Considerations: The estimated project cost is \$36,000 with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$9,000 per lot.

Legal Considerations: State Statutes provide the City Council the authority to order in sanitary sewer projects with special assessment funding.

Recommendation/Action: It is recommended that the City Council approve the Project, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 34.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0990

TO: Mayor and City Council

SUBJECT: CUP2005-00040 – DP23 Amendment #15 – Amend Marina Lake Development Community Unit Plan for Parcel 10 to increase gross floor area, uses and the location of restaurant drive-through windows on property zoned “LC” Limited Commercial. Generally located south of 21st Street North 1/3 mile west of Amidon. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (non-consent)

MAPC Recommendations: Approve, subject to staff recommendations with the exception of the masonry wall on the south side, (11-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations and to include a solid masonry wall to extend along the south edge of development site from west edge of premises, (7-3).

Background: The applicant is requesting to amend Parcel 10, zoned “LC” Limited Commercial, of DP-23 Marina Lake Development Community Unit Plan (CUP). The amendment would increase gross floor area and maximum building coverage from 8,000 square feet to 10,000 square feet. Retail, general, would be added as a permitted use, and a restriction on drive-through windows would be removed.

The increase from 8,000 square feet to 10,000 square feet is a 20 percent increase in maximum building coverage. This exceeds the maximum 10 percent increase that can be granted administratively. If granted by amendment, the maximum building coverage would increase from 11 to 13 percent, which still is low compared to typical CUP building coverage rates of 25 to 30 percent. But, this site could not sustain a typical coverage rate due to the steep slope of the southern 1/3 of the parcel. The requested 13 percent seems to allow a sufficient pad site located north of the steeply sloped rear portion of the site for the 10,000 square foot building plus parking and landscaping.

The current use provisions for the parcel are: “Proposed Uses: financial services, office and restaurant (including drive-in or drive-through restaurant). Only one restaurant with drive-in or drive-through facilities is permitted on the parcel, and it must be located on the eastern 135 feet of the parcel.” Other parcel provisions are a maximum of three buildings and signage per Wichita Sign Code for the “NR” Neighborhood Retail District.

The restriction on drive-through windows was added as a condition of approval for Amendment #14 by MAPC when development of the site was considered previously. The restriction was to keep noise, lights and queuing traffic away from the apartment buildings located about 105 feet (northernmost building) and 125 feet (other buildings) west of the property line. If this restriction is lifted, new protections on screening, noise and lighting should replace the distance requirement.

Parcel 10 is vacant. The amendment is requested to allow construction of a 10,000 square foot strip commercial building. Proposed tenants are a pharmacy with a drive-through window on the eastern end of the building, a restaurant with a drive-through window on the western end of the building, and several tenants between.

The parcel was created in 1998 from a filled-in portion of a sand pit and was previously zoned “SF-6” Single-family Residential when the residential uses to the north, west and south were developed. Pelican Point, an apartment complex zoned B” Multi-family Residential adjoins the site on the west. Pelican Point is Parcel 7 of DP-23. Marina Lake borders the site on the south. Marina Lake is a “Reserve”, zoned “SF-5” and is Parcel 11 of DP-23. More apartments (zoned “B”) are located on Parcel 8, south of Marina Lake. Benjamin Hills, a single-family residential neighborhood zoned “SF-5” Single-family Residential, is located directly across 21st Street North from the site. “LC” Limited Commercial property is located to the east and northeast.

Currently, the west half of the adjoining “LC” tract has been vacant since a fire destroyed Braum’s several years ago.

Analysis: At the District VI Advisory Board meeting held on September 12, 2005, adequate screening for the Marina Lake Apartment development south of Marina Lake was discussed. The CUP required landscaping instead of the customary Unified Zoning Code solid masonry wall to separate the adjacent commercial tracts (Parcels 4 and 5) from the residential zoning. The property owner to the south has indicated that these buffering requirements have not eliminated the view of service activities and the trash to the lake and apartments. A second concern, that the queuing for the requested drive-through restaurant on the west end of Parcel 10 would shine headlights directly across the lake into the apartments, was also discussed by the DAB.

At the MAPC meeting held September 22, 2005, MAPC discussed the addition of the masonry screening wall. Staff explained that the parcel slopes steeply toward the lake and the southern portion of the parcel will not be used for building site, or parking and circulation drives. The DAB recommendation was to locate the masonry wall along the south edge of the portion of the parcel included in the building site and parking and circulation drives. MAPC members noted that the site was buffered from the apartments to the south by the lake and vegetation, and that the commercial properties to the east do not have a masonry wall requirement. A citizen representing the apartments to the south was present and spoke. She expressed concern about screening and preventing trash from the site being blown into the lake.

MAPC recommended the amendment be approved subject to the following conditions:

1. Maintain requirement and guarantee for installation of center left-turn lane on 21st Street North per Amendment #14, that states: “The applicant shall guarantee the construction of a left turn lane along 21st St. North from the west property line of this application area to the east end of the median shown on the applicant’s site plan, the construction of the lane triggered by development which generates more than 1,000 average daily trips in and out of the proposed new driveway.
2. Parcel #10 shall be amended as follows (portions with changes in bold):
 - A. Net Area: 75,808 square feet or 1.74 acres
 - B. Maximum Building Coverage: 13.2 % or 10,000 square feet
 - C. Gross Floor Area: 10,000 square feet
 - D. Floor Area Percentage: 13.2 %
 - E. Maximum Building Height: 35 feet
 - F. Proposed Uses: Financial services, office, retail, general, and restaurant (including drive-in or drive-through restaurant). Only one restaurant with drive-in or drive-through facilities is permitted on the eastern 135 feet of the parcel; one restaurant with drive-through facilities only (no drive-in facilities) shall be permitted on the western 195 feet of the property only in compliance with the following provisions:
 - (1) Cross-lot access shall be required between Parcel 5 and Parcel 10. Pedestrian connection shall be required from the building on Parcel 5 to the arterial sidewalk on 21st Street North.

(2) A site plan for all of Parcel 10 shall be reviewed and approved by the Traffic Engineer for provision of adequate circulation, queuing and pedestrian connection prior to issuance of any building permit on the parcel.

(3) Lighting, including poles, lights and fixtures, and including wall-mounted lighting shall be limited to 20 feet in height within 100 feet of the west parcel line, and shall be shielded to prevent light trespass on adjoining properties to the west and north, in addition to compliance with Article IV, Sec. IV-B of the Unified Zoning Code.

(4) A screening wall between six and eight feet in height constructed of brick, stone, masonry, architectural tile or other similar materials (not including wood or woven wire) in compliance with Article III, Sec. III-C.2.b(2)(d) shall be installed along the northern 150 feet of the west property line of Parcel 10.

(5) Landscaping shall be per the City of Wichita Landscape Ordinance for the landscaped street yard and parking lot landscaping along 21st Street North and the buffering on the common property line to Parcel 7 to the west. Landscaping for the south property line shall be the same requirement as for Parcels 1-7, General Provision #2. The landscape plan prepared by a Kansas Landscape Architect shall be submitted and approved prior to issuance of any building permit.

a. Screening of mechanical equipment and outdoor work and storage areas shall be provided per Article IV, Sec. IV-B.3.b of the UZC. For purposes of this requirement, Parcels 7 and 8 and Parcel 11 shall be considered one parcel.

b. The speaker order board shall not project sound so as to be audible from the apartment buildings to the west or any other residential use in the vicinity and be in compliance with Art. IV, Sec. IV-C.6.

(6) Maximum number of buildings: 3

(7) Signs shall be limited to the signs permitted in the “NR” Neighborhood Retail District.

3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

5. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by MAPC, or the Governing Body, if required, or the request shall be considered denied and closed.

Financial Considerations: None

Legal Considerations: The request is being appealed to the Governing Body by the Planning Director in order to review the modification of the screening wall requirements of Art., Sec. III-C.2.b(2)(d) of the Unified Zoning Code. Waivers or modifications to Unified Zoning Code screening requirements for community unit plans are permitted per Art. III, Sec. III-C.2.d by the MAPC or Governing Body where the objectives of the Comprehensive Plan and good planning practices are furthered, the specific reasons for such modification is set out, and the modification or waiver meets the criteria and purpose of Art.III, Sec. III-C.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approved Amendment #15; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

Agenda Item No. 35.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0991

TO: Mayor and City Council

SUBJECT: ZON2005-00033 – Zone change from “SF-5” Single-family Residential to
“NO” Neighborhood Office. Generally located west of Tyler and 2nd
Street
intersection. (303 N. Tyler). (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (non-consent)

MAPC Recommendations: Approve, subject to a 20-foot contingent dedication and right-in/right-out only on the access, vote (9-3).

MAPD Staff Recommendations: Deny.

DAB Recommendations: Deny, vote 9-0.

Background: The applicant requests NO Neighborhood Office zoning on a .4-acre site, currently zoned SF-5 Single-family Residential. The proposed use is a neighborhood office building; the site is generally located west of the Tyler and 2nd Street intersection. The site is currently developed with a 1,846 square-foot house. North, south and west of the application area are SF-5 zoned single-family residences. East of the site, across Tyler, is an SF-5 zoned middle school, and an NO zoned dental office at the Tyler and 2nd Street intersection. The application area is approximately ½ mile south of Central, and ½ mile north of Maple; LC Limited Commercial zoning and development exists at these two corners. All previous residential home rezonings on this section of Tyler have been at corner locations or abutting commercial zoning.

Analysis: District Advisory Board (DAB) V heard this request on September 6, 2005 and no citizens spoke regarding the request. The DAB voted 7-0 to recommend denial of the request. The MAPC heard this request on September 22, 2005 and no citizens spoke regarding the

request. The action of the MAPC was to approve the request, subject to a contingent right-of-way dedication of 20 feet, and subject to right-in right-out only access.

Two right-in right-out configuration site plans were submitted by the agent for this request. The first, with a greater drive separation, was submitted to the Traffic Engineer prior to the MAPC hearing on September 22, 2005. The second, with a more narrow drive separation, was submitted to MAPC on September 22, 2005. The agent for the applicant has indicated that he wishes to defer to the Traffic Engineer's recommendation of a greater separation between drives.

The applicant submitted a roster and letter of support reflecting four nearby properties. Two neighbors with traffic/safety concerns contacted staff opposed to the request.

Financial Considerations: None.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change subject to the dedication of access control except for one right-in right-out opening and contingent dedication of 20 feet of right-of-way, place the ordinance on first reading with publication being withheld until the dedications have been made; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

(150004) Published in The Wichita Eagle on _____
ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2005-00033

Request for Zone change from "SF-5" Single-family Residential to "NO" Neighborhood Office, on property described as:

Lot 2 of the Woods Replat of Westfield Acres Addition. Generally located northwest of the Tyler and 2nd Street intersection (303 N. Tyler).

Subject to the contingent dedication of 20 feet of right-of-way on Tyler Road, and subject to the dedication of access control on Tyler Road except for one opening limited to right-in right-out access.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

Carlos Mayans - Mayor
ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 36.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0992

TO: Mayor and City Council Members

SUBJECT: Authorize submission of Historic Preservation Fund Grant Proposal FY 2006 (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (consent)

Staff Recommendation: Authorize the submittal of the grant applications.

Background: As a Certified Local Government (CLG), the City of Wichita is eligible to participate in the Historic Preservation Fund (HPF) Grant program administered by the Kansas State Historic Preservation Office to finance activities that will contribute to planning for the preservation of our built environment and archaeological resources. Each year the State Historic Preservation Office identifies priority projects. This grant proposals meet the top two priorities established for the FY 2006 preservation grant funds. City Council action is needed to authorize the City Manager to sign the assurances required for submission of the grant proposal.

The grant is to provide funding to hire a consultant to complete an historic inventory survey of approximately 365 structures within the historic Central Business District in an area bounded by Waco on the west, Douglas on the south, Santa Fe on the east and Central on the north. The survey area also includes all structures on the north side of Central between Waco and Santa Fe. This project was identified by the Historic Preservation Board in their annual program of work.

HPF grants require a 40 percent match of the total project cost. The total cost is \$33,840 with federal grant funds of \$22,200 and a City match of \$13,640. City match is provided through staff time, there is no actual cash match.

Analysis: The City of Wichita Historic Preservation Office annually submits grant proposals to fund projects that promote the goals outlined in the City of Wichita Historic Preservation Plan. The grant proposals fund projects that are not included in the Historic Preservation Office annual City budget.

Legal Considerations: Grant projects will not be undertaken until programmatic agreements have been executed with the State Historic Preservation Office

Financial Considerations: There is no actual cash match. City match is provided by documented staff hours, which is recorded as cash match on the application.

Recommendations/Actions: It is recommended the City Council authorize the submission of the grant proposals for FY2006 Historic Preservation Fund Grant through the Kansas State Historical Society and authorize the City Manager to sign the grant application and assurance documents.

Attachment

FY 2006 Grant Proposal Documents

Kansas State Historical Society
FY2006 Historic Preservation Fund Grant Application
Use this form as your application Cover Sheet.

1. Applicant (Subgrantee): City of Wichita Historic Preservation Office

Authorized Signatory (type or print): George R. Kolb, City Manager

Authorized Signatory (signature):

Mailing Address: 455 N. Main

2. Contact Person: Kathy L. Morgan, Senior Planner

Mailing Address: 455 N. Main, 10th Floor

Wichita, KS 67202-1688

Telephone Number: 316-268-4392

FAX Number: 316-268-4390

E-mail: kmorgan@wichita.gov

3. U.S. Congressional District Number: 4

4. Is this application being submitted in the Certified Local Government (CLG) category?

Yes ☒ No ☐

5. Project Title: Central Business District Survey – Area I

6. Beginning Date: July 1, 2006 Ending Date: June 30, 2007

7. Project Cost:

Total Project Cost \$33,840.00

Federal Share \$20,200.00

Cash Match \$13,640.00

In-Kind Match\$

FY 2006HISTORIC PRESERVATION FUND GRANT APPLICATION

City of Wichita, Kansas
Historic Preservation Office

MAPD, 10th Floor
455 N. Main
Wichita, KS 67202
(316) 268-4392

PROJECT DESCRIPTION AND RATIONALE

1(a). The City of Wichita Historic Preservation Office proposes to survey the commercial buildings in the historic central business district in the area bounded by the Arkansas River on the west, Douglas Avenue on the south, Santa Fe on the east and Central Avenue on the north. The survey will include the buildings facing Central on the north side from Waco to Santa Fe.

In the past two years, downtown Wichita has implemented the WaterWalk Redevelopment Project that cleared a seven-block area for new construction. Currently, Sedgwick County and the City of Wichita are cooperating on a project to locate a 15,000-seat arena south of Douglas Avenue that will require the demolition of existing buildings. The downtown is also experiencing redevelopment of buildings into mixed use of commercial and residential creating a demand for parking. This project is the first phase of completing a commercial building survey of approximately 1600 buildings from the Arkansas River east to Hydraulic Avenue.

The City of Wichita is requesting funds from the Historic Preservation Fund grant program to pay a qualified consultant to complete the Kansas Historic Resources Inventory Reconnaissance Form and identify structures that may be eligible for listing in the Register of Historic Kansas Places and the National Register of Historic Places. The information collected from this survey will be used to guide the redevelopment of this area to minimize the damage to historic structures.

This project supports the state priorities to complete surveys in downtown business districts facing development pressures.

1(b). Products

The products derived from the grant request will be:

- 1) Methodology Report
- 2) Historic Context and Identification of structures eligible for listing in the state/national register
- 3) Submission of 365 Kansas Historic Resources Inventory Reconnaissance Forms
- 4) Monthly reports documenting the activity of the preservation office.

1(c). Implementation

Monthly reports to be filed with SHPO Grants Manager by the 10th of each month.

July 30, 2006 Publish RFP to hire consultant to conduct the survey.

August 31, 2006 Execute consultant contract.

April 30, 2006 Submit 360 survey forms, and draft of the methodology/context report.

May 31, 2006 Submit final documents.

July 31, 2006 Submit completion report and billing request.

2. The reconnaissance survey covers the central business district. A map denoting the survey area outlined in red is attached.

3. The survey area is 37 acres.

APPLICANT ORGANIZATION AND PERSONNEL

1. The Wichita-Sedgwick County Metropolitan Area Planning Department's Historic Preservation Office is located in the Wichita City Hall, and exists under the aegis of the Planning Department. Staff associated with the program includes the Director of Planning, Assistant to the Director, the Chief Planner for the Current Plans Division, the Historic Preservation Senior Planner, the Historic Preservation Planning Analyst and a seven member volunteer board appointed by City Council. The resume of the Historic Preservation Planner is on file with the SHPO and meets the requirements of the Secretary of the Interior's Professional Qualification Standards for the areas of preservation planning, preservation economics, architectural history, history, anthropology, and humanities, which require a minimum of two (2) years of demonstrable experience in applying the theories, methods, and practices of historic preservation that enables in the identification, evaluation, or treatment of historic or archaeological resources. She will serve as the project administrator.

2. The consultant hired to conduct the survey will meet the requirements of the Secretary of Interior's Professional Qualification Standards.

3. N/A

4. In the seven years, Ms. Morgan has been the Preservation Planner for the City of Wichita, MAPD has received grants from the Kansas State Historical Society funding 18 projects and currently has one (1) active grant. The grants have been used for staffing design review assistant position, national register nominations, surveys, publications, and conferences.

These grants have been administered according to reporting requirements and have been completed within the required time frame and the specified products submitted.

PUBLIC EDUCATION AND IMPACT

1. Activities of the Historic Preservation Office are conducted in a public forum once a month and the proceedings are official public record of the Historic Preservation Board, and design assistance will be provided to property owners. The survey of the historic Central Business District Area I will provide a database for future redevelopment projects and be used to identify buildings that are potentially eligible for listing in the state and national registers. This survey information will be made available to developers, Wichita Downtown Development Corporation, and City departments. The City Historic Preservation Office will hold a public meeting to present the information in the Survey Report.

PROJECT BUDGET

The project budget is attached.

BUDGET RATIONALE

Project based on consultant cost of \$55 per completed survey form.

CITY MATCH \$13,640.00

Administrator - Preservation Planner (\$36/hr @ 300 hours) \$10,800.00

Assistant to the Director (\$43/hr @ 40 hours) \$ 1,720.00

GIS Mapping (\$32/hr @ 35 hours) \$ 1,120.00

FEDERAL MATCH \$20,200.00

Consultant \$20,200.00

TOTAL BUDGET \$33,840.00

Project Budget Form

BUDGET ITEMS	1. RECIPIENT MATCH	2. INDIRECT EXPENSES	3. FEDERAL SHARE
4. TOTAL			
a) CASH	b) IN-KIND (Universities Only)		
1. SALARIES (list each separately)	Administrator	\$10,800.00	
\$10,800.00			
Assistant to the Director	\$ 1,720.00	\$ 1,720.00	
GIS Mapping	\$ 1,120.00	\$ 1,120.00	
Volunteer(s)			
Bookkeeper			
Others			
Consultant	\$20,200.00	\$20,200.00	
2. Mileage			
3. Expendable	Supplies		
4. Film and Film	Processing		

5. Communication					
6. Office Rent					
7. Printing and Advertising					
8. Utilities					
9. Equipment Rent					
10. Equipment Maintenance					
11. Insurance and Bonding					
12. Other					
TOTAL	1a\$13,640.00	1b	2	3\$20,200.00	4\$33,840.00

ASSURANCES

Applicants must agree to the following assurances for their applications to be considered for funding.

Applicants hereby agree and acknowledge that:

(1) if they are awarded funds, they will conduct their operations in accordance with Title VI and VII of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, as amended, the Kansas Act Against Discrimination, and the Americans With Disabilities Act of 1990 which bar discrimination against any employee, applicant for employment, or any person participating in any sponsored program on the basis of race, creed, color, national origin, religion, sex, age, or physical or mental disability, and require compensation for employment at no less than minimum wage requirements, and will provide safe and sanitary working conditions;

(2) they will perform no work for which reimbursement will be requested until (a) they have been notified that their application was approved; (b) a project agreement has been signed by the applicant and the State Historic Preservation Officer; and (c) they have been notified in writing that the work may begin.

(3) they have sufficient funds to match the Historic Preservation Fund grant and will pay for materials and services pending reimbursement by the Kansas State Historical Society.

(4) they will carry out the project in accordance with the relevant standards and guidelines developed by the Secretary of the Interior for Preservation Planning, Identification, Evaluation, and Registration.

(5) they will follow the guidelines established by the Kansas Historic Preservation Office and the U.S. Department of the Interior for the Historic Preservation Fund grant-in-aid.

(6) they will notify the Kansas Historic Preservation Office of any changes in the source or sources of the match, the project conditions, project scope of work, personnel changes, or of any other factors that might affect the progress, completion or outcome of the project.

(7) the filing of this application has been approved by the legally authorized governing body of the applicant, if applicable.

(8) the facts, figures, and information contained in this application, including all attachments, are true and correct. The submission of fraudulent information is grounds for the cancellation of an Historic Preservation Fund grant.

(9) all components of the grant application, including mandatory attachments are included and no additional or missing materials will be submitted after the stated application deadline.

Date

Signature of Authorized Signatory

George R. Kolb, City Manager
Typed Name and Title of Signatory

U.S. DEPARTMENT OF THE INTERIOR
ASSURANCE OF COMPLIANCE
(Title VI, Civil Rights Act of 1964)

City of Wichita Historic Preservation Office
Applicant-Recipient)

_____(hereinafter called

HEREBY AGREES THAT IT will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Department of the Interior Regulation (43 CFR 17) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the grounds of race, color, national origin, age, or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant-Recipient receives financial assistance from the National Park Service and,

HEREBY GIVES ASSURANCE THAT IT will immediately take any measures to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid Federal financial assistance extended to the Applicant-Recipient by the National Park Service, this assurance obligates the Applicant-Recipient, or in the case of any transfer of such property, any transferee for the period during which the real property or structure is used for a purpose involving the provision of similar services or benefits. If any personal property is so provided, the assurance obligates the Applicant-Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant-Recipient for the period during which the Federal financial assistance is extended to it by the National Park Service.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the Applicant-Recipient by the bureau or office, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Applicant-Recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall reserve the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant-Recipient, its successors, transferees, and assignees, and the person or persons whose signature appear below are authorized to sign this assurance on behalf of the Applicant-Recipient.

Date

Applicant-Recipient

by__George R. Kolb, City Manager_____

(President, Chairman of Board or Comparable authorized Official)

__455 N. Main, 13th Floor, Wichita, KS 67202____

Applicant-Recipient's Mailing Address

DI-1350

U.S. Department of the Interior

Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions – (The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, “Certification Regarding Debarment, Suspension, ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; or use Department of Interior Form 1954 (DI-1954). See Appendix A of Subpart D of 43 CFR Part 12).

Certification Regarding Debarment, Suspension, ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions – (See Appendix B of Subpart D of 43 CFR Part 12).

Certification Regarding Drug-Free Workplace Requirements – Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) – See Appendix C of Subpart D of 43 CFR Part 12).

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative Agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility
Matters-
 Primary Covered Transactions

CHECK ___ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective primary participant is unable to certify to any or the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART B: Certification Regarding Debarment, Suspension, Ineligibility and
Voluntary Exclusion –
 Lower Tier Covered Transactions

CHECK ☐ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- 1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

DI-2010

June 1995

(This form replaces DI-1953, DI-1954, DI-1955, DI-1956 and DI-1963)

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b) Establishing an ongoing drug-free awareness program to inform employees about –
 - 1) The dangers of drug abuse in the workplace;
 - 2) The grantee's policy of maintaining a drug-free workplace;
 - 3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a);
- d) Notifying the employee in the statement required by paragraph a) that, as a condition of employment under the grant, the employee will –
 - 1) Abide by the terms of the statement; and
 - 2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency

has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted –

1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the sites(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ___ if there are workplaces on file that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK ___ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

DI-2010
June 1995

(This form replaces DI-1953, DI-1954, DI-1955, DI-1956 and DI-1963)

PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK ___ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND

THE AMOUNT EXCEEDS \$1000,000; A FEDERAL GRANT OR COOPERATIVE AGREEMENT;
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK ___ IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$1000,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$1000,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

George R. Kolb, City Manager

TYPED NAME AND TITLE

DATE

DI-2010

June 1995

(This form replaces DI-1953, DI-1954, DI-1955, DI-1956 and DI-1963)

Agenda Item No. 37.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0993

TO: Mayor and City Council

SUBJECT: PUD2005-00004 – Creation of the 21st Street Kids and Family Empowerment Planned Unit Development with four parcels. Generally located 1/8 mile north of 21st Street North, east and west of Jardine Drive. (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to staff recommendations, (11-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations, (8-0).

Background: The 21st Street Kids and Family Empowerment Planned Unit Development (PUD) would consist of a four-parcel development with several kinds of community facilities. The property is located in the area between 21st Street North and 25th Street North on both sides of Jardine Drive. Jardine Drive is a parkway with a landscaped area approximately 70 feet wide that runs northward ¼ mile and terminates with a loop. Traffic will be one-way on each leg of the Jardine parkway.

Parcel 1 is located east of Jardine Drive and is 5.35 acres in size. The TOP Facility, a proposed preschool center, is the intended use for the site. Parcel 2 is located west of Jardine Drive and directly across from Parcel 1. It is 4.23 acres and would allow a range of community type uses, including governmental services, recreational uses, general day care, and community assembly.

A specific use is not identified for the site. Parcel 3 is located on the turnaround loop of Jardine Drive and is 5.58 acres in size. The new Boys and Girls Club is the intended use of this site, and the parcel would also allow governmental services, recreational uses, general day care and community assembly. Parcel 4, which is 8.87 acres in size, has its access only from 25th Street North. Possible uses include governmental services, recreation uses, school and community assembly.

Reserve "A" is the small parkway area abutting 21st Street North and is about 1/8 mile south of the main development parcels. Reserve "A" is intended for open space, signage, landscaping and sidewalks. Reserve "B" is a 1.78-acre tract inside the parkway that is intended for open space, landscaping, monument signage, picnic and pavilion use.

The PUD provides architectural compatibility among the parcels with exterior building materials of stone, stucco, brick or wood. It provides for landscaping buffer along the edge of the PUD, along the streets and within parking lots. Light fixtures are to have consistent design, be shielded to prevent light spillage into adjacent residential areas; additionally, the height of lighting fixtures is restricted to 14 feet within 100 feet of residential zoning. Maximum building height would be 35 feet. Maximum building coverage would be 30 percent. Parking requirements are per code.

Setbacks are 35 feet for the perimeter property lines, 10 feet along Jardine Drive for Parcel 1 and Parcel 2, and 20 feet along Jardine Drive in the front of Parcel 3. These setbacks along Jardine Drive are narrower than standard Unified Zoning Code requirements. The advantage of the PUD is to allow this type of flexibility. It allows better utilization of the narrow lots and brings the buildings closer to the drive and parkway. Vehicle drop-offs are provided, and the narrower setbacks are better designed to encourage pedestrian traffic in the development. The placement of the parking lot to the side rather than in the front of the day care center enhances the site for maximum utilization of a narrow tract, encourages pedestrian access, and enhances the visual appearance since the building increases in prominence with respect to the parking.

Internal access for Parcels 1, 2 and 3 is via the one-way divided Jardine Drive parkway opening onto 21st Street North. A narrower pavement width of 21 feet back of curb to back of curb is requested to maintain the character of the parkway and a mature stand of existing trees. On-street perpendicular or angle parking is requested to provide short-term parking near building entrances. In the original development, 24th Street North bisected the property to connect it with the residential development to the east and west, but this connection was only used on the west, perhaps because of the steep grade on the east side. The 24th Street connection has been blocked and would not be reopened.

Parcel 4 requests two openings onto 25th Street North.

Pedestrian circulation is shown along the outside of Jardine Drive and crossing over the parkway near the northern edge of Parcels 1 and 2. Additional crossings and detailed pedestrian connections will be reviewed during the building permit process, with consideration of potential connections at the points of 23rd Street and 24th Street in the adjacent neighborhoods.

Requested ground signage for Reserve “A” and Reserve “B” is one monument sign 25 feet in height and 250 square feet in maximum sign face area. For Parcels 1-4, it is one monument sign with a maximum height of 15 feet and maximum sign face area of 150 square feet per parcel. Building signage is requested per Wichita Sign Code for the “GO” General Office. Off-site and portable signs are prohibited.

The property formerly was known as the Institute of Logopedics, then Heartspring, agencies that provided services for children with disabilities. Most of the site has been vacant since Heartspring relocated in the mid-1990s. A few of the courtyard residential cottages that originally flanked Jardine Drive remain onsite, but will be removed for the day care center. The main building was located on the area designated as Parcel 3. Parcel 4 has been vacant since the 1950s.

Other uses in the vicinity include the Cessna 21st Street Learning Center and Sub-assembly Facility (adult job training) located on 21st Street North along the both sides of Jardine. The Cessna training sites are zoned “LC” on east and “GC” on the west. The rest of the surrounding area is developed with “SF-5” Single-family Residential housing except for a strip of four-plexes to the east of Parcel 1 that are zoned “MF-29” Multi-family Residential. A church is located to the northeast on property zoned “LC” Limited Commercial.

Analysis: At the District I Advisory Board meeting held October 3, 2005, DAB I voted (8-0) to approve subject to staff recommendations. One concern discussed was fencing off the streets across the site, but allowing pedestrian access. Other concerns included if the signage was appropriate and whether the neighbors had been notified. Planning staff indicated that the signage was appropriate for the types of uses envisioned and that property owners within 1,000 feet of the site had been notified. Another concern was if additional property was being acquired by the city for the project. Staff said this is not the case.

At the MAPC meeting held September 22, 2005, MAPC voted (11-0) to approve subject to staff recommendations. Citizens raised similar questions about pedestrian access through the site and if the city was acquiring additional property. Again, staff said no additional property was involved except that shown within the boundaries of the PUD and that pedestrian access would be accommodated.

Financial Considerations: None

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council

1. Adopt the findings of the MAPC and approve the PUD subject to the condition of platting within one year and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds; or

2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the members of the governing body on the first hearing.)

(150004) Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2005-30

Zone change request from SF-20, Single-Family Residential District to GO, General Office District, described as:

Lots 1-5, Block A, and Reserves A, Eberly Farms Office Park Addition, Sedgwick County, Kansas.

Generally south of Maple and on the west side of Maize Road.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____ 2005.

ATTEST:

Karen Sublett, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 38.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0994

TO: Mayor and City Council

SUBJECT: VAC2005-00033 Request to vacate a utility easement dedicated by
separate instrument generally located east of Hillside Avenue and north of 1st Street.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

Background: The applicant, USD 259, is requesting consideration for the vacation of one of the 20-foot utility easements dedicated by separate instrument, located on Lots 3 & 4, the College Hill Addition. A change in the building plans for improvements to the elementary school, including a private sewer line (approved by the Water & Sewer Department), has made the easement not needed. There are no water lines, sewer lines or other utilities in the easement, nor is there a future need by utilities for the easement. The College Hill Addition was recorded with the Register of Deeds on September 30, 1884.

Analysis: The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 39.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0995

TO: Mayor and City Council Members

SUBJECT: S/D 98-14 -- Plat of BSF Second Addition, Located on the Southwest Corner of 47th Street South and Woodlawn. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

Background: This site, consisting of two lots on 13.8 acres, is located in the County within three miles of Wichita's city limits. This site is zoned SF-20, Single-Family Residential District.

Analysis: County Code Enforcement has approved on-site sewerage and water well facilities. This site is within the noise impact area of Wichita Mid-Continent Airport; therefore, an Avigational Easement and Restrictive Covenant were submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Certificate of Petitions, Restrictive Covenants and Avigational Easement will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, and authorize the necessary signatures.

Agenda Item No. 40.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0996

TO: Mayor and City Council Members

SUBJECT: SUB 2005-62 -- Plat of The Timberlands Addition, Located North of Harry and on the West Side of 127th Street East. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-2)98

Background: This site, consisting of 21 lots on 11.14 acres, is located in Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer and water improvements. A Restrictive Covenant was submitted to provide for the creation of a Lot Owners' Association for the ownership and maintenance of the reserves being platted for drainage purposes.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Legal Considerations: The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, adopt the Resolutions and authorize the necessary signatures.

Agenda Item No. 41.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0997

TO: Mayor and City Council Members

SUBJECT: SUB 2005-68 -- Plat of Auburn Hills 16th Addition, Located on the South Side of Maple and East of 151st Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of 219 lots on 139.69 acres, is located in Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, drainage, paving and clubhouse improvements. Restrictive Covenants were submitted to 1) provide for the creation of a Lot Owners' Association for the ownership and maintenance of the reserves being platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. As requested by City Engineering, an Off-site Drainage Easement has also been submitted.

The City of Wichita is indicated as holding an interest in this property's ownership and is shown as one of the site's plattors.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Legal Considerations: The Certificate of Petitions, Restrictive Covenants and Off-site Drainage Easement will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, adopt the Resolutions and authorize the necessary signatures for approval of the plat and the City's ownership interest.

Agenda Item No. 42.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 0998

TO: Mayor and City Council Members

SUBJECT: SUB 2005-85 -- Plat of Auburn Hills Commercial Fourth Addition, Located East of 135th Street West and on the South Side of Maple. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

Background: This site, consisting of one lot on 4.64 acres, is a replat of Auburn Hills Commercial Third Addition and is located in Wichita's city limits. This site is zoned SF-5, Single-Family Residential District. A Protective Overlay (PO #130) was approved for this site, and a Notice of Protective Overlay has been submitted identifying the approved PO and its special conditions for development on this property.

Analysis: Municipal services are available to serve the site. Petitions, 100 percent, and a Certificate of Petitions have been submitted for drainage and water improvements. A Restrictive Covenant has been submitted to allow the creation of a Lot Owner's Association to provide for the ownership and maintenance of the reserves being platted for drainage purposes.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and record-ing within thirty (30) days.

Legal Considerations: The Notice of Protective Overlay, Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

Agenda Item No. 43.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-0999

TO: Mayor and City Council Members

SUBJECT: SUB 2005-105 -- Plat of Eberly Farms Office Park Addition, Located East of 135th Street West and on the South Side of 21st Street North.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

Background: This site, consisting of five lots on 13.77 acres, is located in the County within three miles of Wichita's city limits. The site has been approved for a county zone change (ZON 2005-30) from SF-20, Single-Family Residential District to GO, General Office District. A Protective Overlay (PO #161) was approved for this site, and a Notice of Protective Overlay has been submitted addressing uses.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer and water improvements. Paving improvements will be handled by the County. The applicant has submitted an Outside-the-City Water Agreement. A Restrictive Covenant has been submitted to allow the creation of a Lot Owner's Association that will provide for the ownership and maintenance of the reserves being platted for drainage purposes. In order to guarantee the closure of driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and record-within thirty (30) days.

Legal Considerations: The Notice of Protective Overlay, Certificate of Petitions, Outside-the-City Water Agreement, Restrictive Covenant and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

(150004) Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2005-30

Zone change request from SF-20, Single-Family Residential District to GO, General Office District, described as:

Lots 1-5, Block A, and Reserves A, Eberly Farms Office Park Addition, Sedgwick County, Kansas.

Generally south of Maple and on the west side of Maize Road.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____ 2005.

ATTEST:

Karen Sublett, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 44.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-1000

TO: Wichita Airport Authority

SUBJECT: Midfield Road Site Development
Electrical Services- Change Order 1
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the Change Order.

Background: On May 3, 2005 the Wichita Airport Authority approved a contract with Shelley Electrical to provide Electrical Services to accommodate development adjacent to Midfield Road.

Analysis: A final Change Order has been prepared to add work to an existing manhole.

Financial Considerations: The cost of the Change Order is \$1,159 and is within the approved budget. Total Change Orders are approximately one-percent of the total contract amount.

Legal Considerations: The Law Department has approved the Change Order.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the Change Order, and authorize the necessary signatures.

Agenda Item No. 45.

CITY OF WICHITA
City Council Meeting
November 1, 2005

Agenda Report No. 05-1001

TO: Wichita Airport Authority

SUBJECT: Farming License Agreement – Jabara Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the license agreement.

Background: This property, consisting of 20.406 acres, was acquired to prevent further development in the Runway Protection Zone and/or the Runway Approach Protection area as defined for Colonel James Jabara Airport. The land is zoned Rural Residential and was in agricultural use at the time of purchase.

Analysis: Past practice has been to allow acquired property to be farmed by the individual who was farming the property prior to the WAA's purchase. The term of the license agreement is through the day following the last day of harvesting the crops or August 1, 2007, whichever comes first. The agreement may be cancelled by the WAA with a 10-day written notice to the Licensee if the property is needed for airport development.

Financial Considerations: None.

Legal Considerations: The Law Department has approved the license as to form.

Recommendation/Action: It is recommended that the Wichita Airport Authority approve the farming license and authorize necessary signatures.

Agenda Item No. 46.

City of Wichita
City Council Meeting
November 1, 2005

Agenda Report No. 05-1002

TO: Mayor and City Council Members

SUBJECT: Appointment of Municipal Court Judges

INITIATED BY: City Council

AGENDA: City Council

Recommendation: Appoint Municipal Court Judges and Administrative Judge

Background: Charter Ordinance No. 186 provides that the City Council has the discretion to consider whether to reappoint incumbent municipal court judges for another term of office without referral to the municipal court judge nominating commission. Charter Ordinance No. 186 authorizes formalized policies and procedures to evaluate the performance and reappointment of incumbent municipal court judges. Further, Charter Ordinance No. 135 provides that the City Council has the authority to designate a presiding judge in charge of the administration of the judicial functions of the court.

Analysis: Pursuant to Charter Ordinance No. 186, the City Council may reappoint the five incumbent judges to fill the term of office that officially commenced on the third Tuesday of April 2005 and expires on the third Tuesday of April 2009. The term of office of the incumbent municipal court judges expired on April 19, 2005, however, the service of the judges continued until they were reappointed or a successor was appointed, pursuant to the carry over provisions of Charter Ordinance No. 186.

Legal Considerations: The City Council has the authority to appoint qualified attorneys to serve as municipal court judges and appoint an administrative judge.

Recommendations/Actions: Appoint five Municipal Court Judges to serve a term of office commencing the third Tuesday of April 2005 and expiring on the third Tuesday of April 2009, and appoint an administrative judge for a term commencing the third Tuesday of April 2005 and expiring on the third Tuesday of April 2006.